

**SENATE JOURNAL  
60TH LEGISLATURE  
FIRST LEGISLATIVE DAY**

Helena, Montana  
January 3, 2007

Senate Chambers  
State Capitol

At twelve o'clock noon the Senate of the 60th Legislature of the State of Montana was called to order with **SEN. VICKI COCCHIARELLA, SD 47, MISSOULA**, dean of the Senate, presiding.

Senator Cocchiarella made the following remarks:

"Welcome friends, loved ones, and my fellow Senators (our family for the next 90-days) to the 60th session of the Montana State Legislature.

Speaking of 60, I have a rare blessing that not many have. My parents, Jim and Ruth Marshall, are here with my daughter Cara Cocchiarella. Jim and Ruth will celebrate 60 years of unity and commitment to each other on March 15. Something not many achieve.

The legislative process is not unlike that strong and lasting relationship. It is our marriage to the people who sent us here to do their work that we celebrate and honor. A commitment to the people's branch of government. It takes hard work, respect and dedication to that relationship to make it work. This is the people's time. Our marriage with them begins here today. This is the time when the people have a say in their government. As with every gathering of the elected representatives of the people there is a sense of urgency - meeting every other year for 90-days, and a sense of hope and of course fear - what will they do to us now.

The anticipation and expectations of the people is our challenge. After all, they had a choice in who is sitting in these seats. At the same time they voted for forced divorce, term limits.

We need to regain the peoples trust, promote their hopes and allay their fears. We have that opportunity here in the 60th session, to make them believe in their branch of government again. in their relationship with their elected representatives.

We must do the following three (3) things to make this marriage work:

1. Get over yourselves - it's about them not us. Get to know each other, and find the value in each others opinions. Find the common ground we share, and stop the partisan bickering - Our people hate that. Work together every chance we get to show the people we are working for their best interest!

2. We must fight together against the erosion of the people's branch of government. Take back the people's power - bolster the peoples voice for a balanced government - the judiciary and the executive branches should not over reach, over control, or over power. This is a basic tenant of our democracy.

It's our duty to put the people first. Even though term limits imposed the forced divorce, we must stand together, and make the people's voices heard through our representation.

3. Never forget who you are married to. Not the caucus, not the party, and not a special interest group -about Montana - all the people whether they voted for you or not or even if they didn't vote at all.

Let's celebrate the honor the people have bestowed on us. Make this the best session of the Legislature for all of Montana. Remember your vows, and last but not least, remember your promise to the people of Montana.

Happy Anniversary Mother and Daddy. Best wishes to the Senate on this first day - the first step down the aisle."

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Senator Cocchiarella appointed Father Jerry Lowney as temporary Chaplain and Clay Scott as temporary Sergeant-at-Arms of the Senate.

The colors were posted by members of the Montana National Guard, followed by the Pledge of Allegiance to the Flag.

Invocation was given by Father Jerry Lowney.

Senator Cocchiarella appointed John Mudd of Missoula as temporary Secretary of the Senate.

At the direction of Senator Cocchiarella, the temporary Secretary called the roll of the newly elected Senators by district. The following Senators responded thereto:

District 1:	SEN. AUBYN CURTISS, SD 1, FORTINE
District 4:	SEN. GREGORY BARKUS, SD 4, KALISPELL
District 5:	SEN. VERDELL JACKSON, SD 5, KALISPELL
District 8:	SEN. CAROL JUNEAU, SD 8, BROWNING
District 11:	SEN. TRUDI SCHMIDT, SD 11, GREAT FALLS
District 12:	SEN. MITCH TROPILA, SD 12, GREAT FALLS
District 13:	SEN. JOSEPH TROPILA, SD 13, GREAT FALLS
District 14:	SEN. JERRY BLACK, SD 14, SHELBY
District 15:	SEN. JIM PETERSON, SD 15, BUFFALO
District 17:	SEN. KEN HANSEN, SD 17, HARLEM
District 20:	SEN. KEITH BALES, SD 20, OTTER
District 23:	SEN. KELLY GEBHARDT, SD 23, ROUNDUP
District 25:	SEN. ROY BROWN, SD 25, BILLINGS
District 28:	SEN. JEFF ESSMANN, SD 28, BILLINGS
District 29:	SEN. DANIEL MCGEE, SD 29, LAUREL
District 30:	SEN. ROBERT STORY, SD 30, PARK CITY
District 31:	SEN. JOHN ESP, SD 31, BIG TIMBER
District 32:	SEN. LARRY JENT, SD 32, BOZEMAN
District 35:	SEN. GARY PERRY, SD 35, MANHATTAN
District 39:	SEN. TERRY MURPHY, SD 39, CARDWELL
District 40:	SEN. MIKE COONEY, SD 40, HELENA
District 41:	SEN. CHRISTINE KAUFMANN, SD 41, HELENA
District 42:	SEN. DAVE LEWIS, SD 42, HELENA
District 44:	SEN. RICK LAIBLE, SD 44, DARBY
District 48:	SEN. CAROLYN SQUIRES, SD 48, MISSOULA
District 49:	SEN. DAVID WANZENRIED, SD 49, MISSOULA

The Honorable Justice Karla Gray was admitted to the Senate Chambers and administered the following official oath of office to the Senators-elect, who subscribed to the same:

"I do solemnly swear that I will support, protect, and defend the Constitution of the United States and the Constitution of the State of Montana, and that I will discharge the duties of my office as a Montana State Senator with Fidelity, so help me God."

Justice Karla Gray was escorted from the Senate Chambers.

At the direction of **SEN. VICKI COCCHIARELLA, SD 47, MISSOULA**, Secretary Mudd called the complete roll of the Senate as follows:

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SEN. KEITH BALES, SD 20, OTTER  
SEN. JOE BALLYEAT, SD 34, BOZEMAN  
SEN. GREGORY BARKUS, SD 4, KALISPELL  
SEN. JERRY BLACK, SD 14, SHELBY  
SEN. ROY BROWN, SD 25, BILLINGS  
SEN. JOHN BRUEGGEMAN, SD 6, POLSON  
SEN. JOHN COBB, SD 9, AUGUSTA  
SEN. VICKI COCCHIARELLA, SD 47, HELENA  
SEN. MIKE COONEY, SD 40, HELENA  
SEN. AUBYN CURTISS, SD 1, FORTINE  
SEN. JIM ELLIOTT, SD 7, TROUT CREEK  
SEN. JOHN ESP, SD 31, BIG TIMBER  
SEN. JEFF ESSMANN, SD 28, BILLINGS  
SEN. STEVE GALLUS, SD 37, BUTTE  
SEN. KELLY GEBHARDT, SD 23, ROUNDUP  
SEN. KIM GILLAN, SD 24, BILLINGS  
SEN. KEN HANSEN, SD 17, HARLEM  
SEN. DAN HARRINGTON, SD 38, BUTTE  
SEN. BOB HAWKS, SD 33, BOZEMAN  
SEN. VERDELL JACKSON, SD 5, KALISPELL  
SEN. LARRY JENT, SD 32, BOZEMAN  
SEN. CAROL JUNEAU, SD 8, BROWNING  
SEN. CHRISTINE KAUFMANN, SD 41, HELENA  
SEN. SAM KITZENBERG, SD 18, GLASGOW  
SEN. RICK LAIBLE, SD 44, DARBY  
SEN. LANE LARSON, SD 22, BILLINGS  
SEN. JESSE LASLOVICH, SD 43, ANACONDA  
SEN. DAVE LEWIS, SD 42, HELENA  
SEN. GREG LIND, SD 50, MISSOULA  
SEN. DANIEL MCGEE, SD 29, LAUREL  
SEN. LYNDA MOSS, SD 26, BILLINGS  
SEN. TERRY MURPHY, SD 39, CARDWELL  
SEN. JERRY O'NEIL, SD 3, COLUMBIA FALLS  
SEN. GERALD PEASE, SD 21, LODGE GRASS  
SEN. GARY PERRY, SD 35, MANHATTAN  
SEN. JIM PETERSON, SD 15, BUFFALO  
SEN. DON RYAN, SD 10, GREAT FALLS  
SEN. TRUDI SCHMIDT, SD 11, GREAT FALLS  
SEN. JIM SHOCKLEY, SD 45, VICTOR  
SEN. FRANK SMITH, SD 16, POPLAR  
SEN. CAROLYN SQUIRES, SD 48, MISSOULA  
SEN. COREY STAPLETON, SD 27, BILLINGS  
SEN. DONALD STEINBEISSER, SD 19, SIDNEY  
SEN. ROBERT STORY, SD 30, PARK CITY  
SEN. BILL TASH, SD 36, DILLON  
SEN. JOSEPH TROPILA, SD 13, GREAT FALLS  
SEN. MITCH TROPILA, SD 12, GREAT FALLS  
SEN. DAVID WANZENRIED, SD 49, MISSOULA  
SEN. DAN WEINBERG, SD 2, WHITEFISH  
SEN. CAROL WILLIAMS, SD 46, MISSOULA

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**SEN. VICKI COCCHIARELLA, SD 47, HELENA** noted that a quorum was present and announced the 60th Legislature was ready for business and opened nominations for the office of President of the Montana State Senate.

**SEN. DANIEL MCGEE, SD 29, LAUREL** nominated **SEN. COREY STAPLETON, SD 27, BILLINGS.**

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** nominated **SEN. MIKE COONEY, SD 40, HELENA** for the office of the President of the Senate and moved his election carry with it the name of **SEN. DAN HARRINGTON, SD 38, BUTTE** for the office of President Pro Tempore.

Nominations closed.

**SEN. DAN HARRINGTON, SD 38, BUTTE** moved that Senator Mike Cooney be nominated for the office of President of the Senate of the 60th Legislature and further moved that his election carry with it the name of Senator Carol Williams.

Yeas: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 26

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SEN. MIKE COONEY, SD 40, HELENA** received the majority of the votes cast and was elected President of the Senate which carries with it the election of Senator Harrington as President Pro Tempore.

Senator Cooney assumed the Chair and made his opening remarks as follows:

President Pro Tem Harrington, Majority Leader Williams, Minority Leader Stapleton, members of the Senate, ladies and gentlemen. Thank you. It is a privilege and high honor to serve as the president of the state senate during the 60<sup>th</sup> session of the Montana Legislature.

Let me share a little family history with you. My grandfather, Frank H. Cooney stood at this same rostrum 74 years ago, as I do today. He had just been elected Lt. Governor and one of his duties was to preside over the Senate. My grandfather entered elected office when the country was experiencing the Great Depression. It is difficult for me to comprehend what challenges all elected officials faced during that dark time. But in hindsight thank goodness good men and women – Republican and Democrat - stepped forward and chose to help lead our state and our nation back to prosperity.

I thank each and every one of you for stepping forward to help lead and guide our state for the next two years. The good news is this. Unlike the Senators of the 1933 Legislative session the state finances are in very good shape. However, not unlike the 1933 Legislative session, we too face many extraordinary challenges.



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We must and we will make our retirement programs financially sound. We must and we will make further progress in our efforts to build a world class education system to make sure our children can successfully compete in this world economy. We must and we will finally give Montana property owners a real break so they too can enjoy this prosperity. We must and we will give Montana families greater access to affordable health care. We must and we will establish a rainy day fund, a savings account to help us when times are not so good. Yes, this is an aggressive yet necessary agenda. We can tackle these and other important issues and we will do so without raising taxes. How we get there in the end will take each and every one of us putting our best ideas forward and working together. That is how it was done in 1933 and that is how we'll get it done in 2007.

When I look around this chamber I see people from all corners of the state and from varied backgrounds. I see people who have very diverse philosophies and political beliefs. But I also see people who care deeply about Montana and who want to do the right thing for our future generations. The voters of this state have given us a great honor to serve in this Senate. Let us honor them by each of us focusing our energy on what brings us together rather than what divides us. Let us honor the people of this state by honoring each other and not allowing pride and ego to break down the greatness of this institution. Let us honor the people of this state by respecting our differences and disagree without being disagreeable.

The people have sent us here to take on and resolve, to the best of our ability, the many challenges that face our state. Make no mistake about it... our actions will not only impact the next two years, but will impact the next generation. We have been given a great responsibility and we must treat it as a sacred trust. The voters of our districts did, in fact, give us a great honor by sending us here to do their work. Let us resolve today...and for the next 89 days...to honor them by doing it well.

Thank you for this opportunity.

**SEN. DAN HARRINGTON, SD 38, BUTTE** spoke noting his appreciation for being elected President Pro Tempore.

President Cooney introduced the Minority Leader, **SEN. COREY STAPLETON, SD 27, BILLINGS**. Senator Stapleton spoke.

President Cooney introduced the Majority Leader, **SEN. CAROL WILLIAMS, SD 46, MISSOULA**.

Senator Williams stated "Thank you Mr. president and thanks to the democratic caucus for giving me this great honor. In 1866, when my ancestors, Zaddock and Almira allen, drove an oxen pulled wagon across mountains and prairies to come to Montana, to settle just a few miles from here in Jefferson City, they could never imagined that female offspring of theirs would one day be given the opportunity to serve in the Montana Senate, let alone be elected to be the first woman to serve as majority leader in this body. On the other hand, as a young woman coming of age in the 60's, in Butte, I can't conceive of why that took so long. A number of remarkable Montana

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women have served here. Among them, Dorothy Eck, Pat Regan, Sue Bartlett, Emily Swanson, Toni Roselle, all these women were capable of assuming leadership positions. I feel blessed to be standing in their shoes and very grateful for this opportunity given to me.

We return to this session confident that our good work in 2005 helped Montana families and created opportunities for our children, and will be built upon and improved. We are committed to some core issues that people have asked of us.

1) We will invest in a world class education system from kindergarten through college. We will support offering all day kindergarten and hold the line on tuition increases for Montana university students.

2) We will work to extend health care coverage for low income children, provide more access to health care for uninsured adults and more opportunities for small businesses to provide insurance for their employees.

3) We will, as in the past, work to improve our relationships with our tribal governments and to enhance the lives of our "first Montanans".

4) We are committed to being good stewards of this states natural resources, its air, water, land and wildlife, - as is required by our Constitution, and we will protect Montanan's accesses to their rivers, streams, hunting grounds and fishing holes.

5) We will continue to work to move Montanans economy forward and invest in renewable energy to create jobs and lower heating bills. We will do all of this in a responsible way, paying as we go and not saddling future generations, our children, with debt. We all recognize something has gone wrong, don't we. We know that people who send us to these bodies believe that politics has replaced policy and anger has displaced civility. Let's all resolve together that this all stops now with us in this 60<sup>th</sup> Legislative session. I can assure you that as the majority leader of the democrats, we are committed to doing just that. Together we must make this session about policy not politics.

When I was a freshman legislator in 1999, an orientation presenter from legislative services said that both democrats and republicans would agree on the vast majority of legislation proposed in that session and she was right. Our challenge this session is to, as our late president gerald ford liked to say, " we can disagree without being disagreeable" of course, we will have lively debate but we must work together in a respectful and civil way to ensure that when we adjourn 89 days from today the people who sent us here to do their business will have pride in our accomplishments and the agreeable manner with which we achieved them. Perhaps this is our greatest challenge. I am committed to working with all of you, Democrats and Republicans, to make this session successful. Ralph Waldo Emerson wrote: "do not go where the path may lead - go instead where there is no path and leave trails." I hope this session will lead all of us to new trails of respect and co-operation. Thank you and best wishes to each of you as we begin this journey together".

**SEN. DAN HARRINGTON, SD 38, BUTTE** spoke in appreciation of the honor of being elected president pro tempore.

**REPORTS OF STANDING COMMITTEES**

**SEN. JIM ELLIOTT, SD 7, TROUT CREEK** moved the adoption of the Committee Report. Motion carried.

We, your Committee on Committees, recommend the following committee appointments be adopted:

**COMMITTEE ON COMMITTEES**

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**Members Present:**

Sen. Jim Elliott, Chairman (D)  
Sen. Kim Gillan (D)  
Sen. Bob Hawks (D)  
Sen. Jesse Laslovich (D)  
Sen. Trudi Schmidt (D)  
Sen. Dave Wanzenried (D)

We, your Committee on Committees, recommend the following committee appointments:

**AGRICULTURE, LIVESTOCK AND IRRIGATION**

Hansen, Ken (D) - Ch  
Bales, Keith (R)  
Brueggeman, John (R)  
Larson, Lane (D)  
Pease, Gerald (D)  
Smith, Frank (D)  
Steinbeisser, Donald (R)

**BUSINESS, LABOR AND ECONOMIC AFFAIRS**

Cocchiarella, Vicki (D) - Ch  
Balyeat, Joe (R)  
Brown, Roy (R)  
Esp, John (R)  
Jackson, Verdell (R)  
Larson, Lane (D)  
Ryan, Don (D)  
Smith, Frank (D)  
Squires, Carolyn (D)  
Steinbeisser, Donald (R)  
Tropila, Joe (D)

**COMMITTEES**

Elliott, Jim (D)  
Gillan, Kim (D)  
Hawks, Bob (D)  
Laslovich, Jesse (D)  
Schmidt, Trudi (D)  
Wanzenried, David (D)

**EDUCATION AND CULTURAL RESOURCES**

Ryan, Don (D) - Ch  
Black, Jerry (R)  
Elliott, Jim (D)  
Hawks, Bob (D)  
Juneau, Carol (D)  
Kitzenberg, Sam (D)  
McGee, Dan (R)  
Peterson, Jim (R)

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Story, Robert (R)

**ETHICS**

Laslovich, Jesse (D) - Ch

Schmidt, Trudi (D)

Shockley, Jim (R)

Story, Robert (R)

**FINANCE AND CLAIMS**

Schmidt, Trudi (D) - Ch

Bales, Keith (R)

Barkus, Gregory (R)

Brueggeman, John (R)

Cobb, John (R)

Cooney, Mike (D)

Gallus, Steve (D)

Hansen, Ken (D)

Hawks, Bob (D)

Laible, Rick (R)

Larson, Lane (D)

Lewis, Dave (R)

Lind, Greg (D)

Stapleton, Corey (R)

Tash, Bill (R)

Tropila, Mitch (D)

Wanzenried, David (D)

Weinberg, Dan (D)

Williams, Carol (D)

**FISH AND GAME**

Tropila, Joe (D) - Ch

Bales, Keith (R)

Balyeat, Joe (R)

Barkus, Gregory (R)

Gallus, Steve (D)

Hansen, Ken (D)

Jent, Larry (D)

Larson, Lane (D)

Tash, Bill (R)

**HIGHWAYS AND TRANSPORTATION**

Pease, Gerald (D) - Ch

Black, Jerry (R)

Brown, Roy (R)

Brueggeman, John (R)

Cocchiarella, Vicki (D)

Kitzenberg, Sam (D)

Laslovich, Jesse (D)

Smith, Frank (D)

Steinbeisser, Donald (R)

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**JUDICIARY**

Laslovich, Jesse (D) - Ch  
Curtiss, Aubyn (R)  
Jent, Larry (D)  
Juneau, Carol (D)  
McGee, Dan (R)  
Moss, Lynda (D)  
O'Neil, Jerry (R)  
Pease, Gerald (D)  
Perry, Gary (R)  
Shockley, Jim (R)  
Wanzenried, David (D)  
Williams, Carol (D)

**LEGISLATIVE ADMINISTRATION**

Smith, Frank (D) - Ch  
Esp, John (R)  
Gallus, Steve (D)  
Laible, Rick (R)  
Tropila, Joe (D)

**LOCAL GOVERNMENT**

Gillan, Kim (D) - Ch  
Esp, John (R)  
Gebhardt, Kelly (R)  
Hawks, Bob (D)  
Juneau, Carol (D)  
Laible, Rick (R)  
Moss, Lynda (D)  
Murphy, Terry (R)  
O'Neil, Jerry (R)  
Tropila, Mitch (D)  
Williams, Carol (D)

**NATURAL RESOURCES AND ENERGY**

Lind, Greg (D) - Ch  
Curtiss, Aubyn (R)  
Gebhardt, Kelly (R)  
Harrington, Dan (D)  
Kaufmann, Christine (D)  
Perry, Gary (R)  
Tash, Bill (R)  
Tropila, Mitch (d)  
Wanzenried, David (D)

**PUBLIC HEALTH, WELFARE AND SAFETY**

Weinberg, Dan (D) - Ch  
Cobb, John (R)  
Esp, John (R)  
Gillan, Kim (D)

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Moss, Lynda (D)  
Murphy, Terry (R)  
O'Neil, Jerry (R)  
Schmidt, Trudi (D)  
Williams, Carol (D)

**RULES**

Williams, Carol (D) - Ch  
Barkus, Greg (R)  
Cocchiarella, Vicki (D)  
Cooney, Mike (D)  
Elliott, Jim (D)  
Gallus, Steve (D)  
Gebhardt, Kelly (R)  
Gillan, Kim (D)  
Harrington, Dan (D)  
Hawks, Bob (D)  
Laslovich, Jesse (D)  
McGee, Dan (R)  
Murphy, Terry (R)  
Perry, Gary (R)  
Stapleton, Corey (R)  
Story, Robert (R)

**STATE ADMINISTRATION**

Squires, Carolyn (D) - Ch  
Balyeat, Joe (R)  
Cocchiarella, Vicki (D)  
Essmann, Jeff (R)  
Gallus, Steve (D)  
Jent, Larry (D)  
Laible, Rick (R)  
Laslovich, Jesse (D)  
Lewis, Dave (R)  
Shockley, Jim (R)  
Tropila, Joe (D)

**TAXATION**

Elliott, Jim (D) - Ch  
Black, Jerry (R)  
Essmann, Jeff (R)  
Gebhardt, Kelly (R)  
Gillan, Kim (D)  
Harrington, Dan (D)  
Kaufmann, Christine (D)  
Kitzenberg, Sam (D)  
Peterson, Jim (R)  
Schmidt, Trudi (D)  
Story, Robert (R)

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**JOINT SUBCOMMITTEES**

**Corrections and Public Safety**

Gallus, Steve (D) - Sen - V Ch  
Bales, Keith (R) - Sen  
Schmidt, Trudi (D) - Sen

**Education**

Hawks, Bob (D) - Sen - V Ch  
Lewis, Dave (R) - Sen  
Wanzenried, David (D) - Sen

**General Government**

Larson, Lane (D) - Sen - V Ch  
Laible, Rick (R) - Sen  
Stapleton, Corey (R) - Sen  
Williams, Carol (D) - Sen

**Health and Human Services**

Weinberg, Dan (D) - Sen - V Ch  
Cobb, John (R) - Sen  
Lind, Greg (D) - Sen

**Long-Range Planning**

Cooney, Mike (D) - Sen - V Ch  
Barkus, Greg (R) - Sen  
Brueggeman, John (R) - Sen  
Schmidt, Trudi (D) - Sen

**Natural Resources**

Hansen, Ken (D) - Sen - V Ch  
Tash, Bill (R) - Sen  
Tropila, Mitch (D) - Sen

**SPECIAL ORDERS OF THE DAY**

Secretary Mudd read the letter of appointments from President Cooney.

Pursuant to the President's appointment Senator Harrington stated that the names of **John Mudd, Missoula, be appointed Secretary of the Senate for the 60th Legislature; Clay Scott, Helena, be appointed Sergeant-At-Arms of the Senate; Father Jerry Lowney, Helena, Chaplain to the Senate for the 60th Legislature be submitted to the Senate for confirmation.** Vote was taken and the appointments were confirmed.

Secretary Mudd made the following Senate Staff introductions:

Carol Andersen	Committee Secretary
Janeen Andersen	Majority Aide

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Patricia Bik	Amendments Coordinator
Tina Brothers	Secretary to Leadership
Skip Crippen	Bills Distribution
Kathy Fabiano	Asst Secretary of the Senate
Justin Folsom	Status Input Tech
Prudence Gildroy	Committee Secretary
Susie Hamilton	Scanner
Vivian Hayes	Word Processor
Stephanie Hess	Minority Aide
Ralph Higgins	Bills Clerk
C.J.Johnson	Committee Secretary
Ronnie Kitzenberg	Supply Clerk
Greg Lambert	Security Guard
Becca Leaphart	Page Supervisor
Michelle Logan	Majority Office Intern
Fr. Jerry Lowney	Chaplain
Tyler Matthews	Minority Aide
John Mudd	Secretary of the Senate
Lois O'Connor	Committee Secretary
Roberta Opel	Bills Coordinator
Aggie Palmer	Committee Secretary
Tawna Parisot	Aide to Majority Leader
Ryan Patterson	Security Guard
Ray Peck	Aide to Majority Whip
Amelia Pirrone	Committee Aide
Renee Podell	Journal Clerk
Mari Prewett	Committee Secretary
Carolyn Radakovich	Aide to the President
Kima Rosling	Word Processing Supervisor
Alex Russell	Secretary to the Secretary of the Senate
Clay Scott	Sergeant at Arms
Jan Siemers	Committee Aide
Sarah Singer	Voting/Reading Clerk
Mike Sullivan	Asst Sergeant at Arms - Security
Rita Tenneson	Committee Aide

**MOTIONS**

Senator Williams moved that President Cooney appoint a select committee to notify His Excellency, the Governor, that the Senate is organized and ready for business. Motion Carried. President Cooney appointed Senator Cocchiarella, Chair, Senator Pease and Senator Cobb, who were discharged to notify the Governor.

Senator Williams moved that President Cooney appoint a select committee to notify the Chief Justice and Justices of the Supreme Court that the Senate is organized and ready for the transaction of business. Motion Carried. President Cooney appointed Senator Ryan, Chair, Senator Laslovich and Senator Laible, who were discharged to notify the Justices.

Senator Williams moved that President Cooney appoint a select committee to notify the House of Representatives that the Senate is organized and ready for business and that the Senate wishes them success in their deliberations. Motion Carried. President Cooney appointed Senator Elliott, Chair, Senator Juneau and Senator Tash, who were



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discharged to notify the House.

Senator William moved the Senate stand at ease, subject to the call of the chair, to await the reports of the select committees. Motion carried.

**MESSAGES FROM THE OTHER HOUSE**

Sergeant of Arms Scott escorted the Honorable Committee from the House of Representatives to the well of the Senate. The Committee wished the Senate well and stated that the House of Representatives was ready for business.

**REPORTS OF SELECT COMMITTEES**

The committee appointed to notify the Governor that the Senate was organized and ready for business reported that the Governor had been notified.

The committee appointed to notify the Chief Justice and associate members of the Supreme Court that the Senate was organized and ready for business reported that the Supreme Court had been notified.

The committee appointed to notify the House of Representatives that the Senate was organized and ready for business reported that the House had been notified.

Messages were acknowledged and committees dismissed.

**MOTIONS**

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** moved that the Joint rules of the 60th Legislature be adopted as the temporary operating rules of the 60th Legislature. Motion carried unanimously.

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** moved that the Senate rules of the 60th Legislature be adopted as the temporary operating rules of the 60th Legislature. Motion carried unanimously.

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** moved that the accredited members of the press, radio, and television be granted the privilege of the Senate floor, subject to the rules. Motion carried unanimously.

**FIRST READING AND COMMITMENT OF BILLS**

The following senate bills were introduced, read first time, and referred to committees:

SB 1, Introduced by Weinberg, Referred to State Administration.

SB 2, Introduced by Ryan, Referred to Public Health, Welfare and Safety.

SB 3, Introduced by Essmann, Referred to Natural Resources and Energy.

SB 4, Introduced by Harrington, Referred to Finance and Claims.

SB 5, Introduced by Weinberg, Referred to Judiciary.

SB 6, Introduced by Weinberg, Referred to Finance and Claims.

SB 7, Introduced by Shockley, Referred to State Administration.

SB 8, Introduced by Shockley, Referred to Natural Resources and Energy.

SB 9, Introduced by Kitzenberg, Referred to Fish and Game.

SB 10, Introduced by Harrington, Referred to State Administration.

SB 11, Introduced by Cocchiarella, Referred to State Administration.

SB 12, Introduced by Williams, Referred to Finance and Claims.

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SB 13, Introduced by Shockley, Referred to Fish and Game.  
SB 14, Introduced by Harrington, Referred to Local Government.  
SB 15, Introduced by J. Tropila, Referred to Judiciary.  
SB 16, Introduced by Hawks, Referred to Education and Cultural Resources.  
SB 17, Introduced by Larson, Referred to Fish and Game.  
SB 18, Introduced by Shockley, Referred to Judiciary.  
SB 19, Introduced by Shockley, Referred to Natural Resources and Energy.  
SB 20, Introduced by Shockley, Referred to Judiciary.  
SB 21, Introduced by Larson, Referred to Taxation.  
SB 22, Introduced by Weinberg, Referred to Public Health, Welfare and Safety.  
SB 23, Introduced by Moss, Referred to Education and Cultural Resources.  
SB 24, Introduced by Weinberg, Referred to Fish and Game.  
SB 25, Introduced by Larson, Referred to Natural Resources and Energy.  
SB 26, Introduced by Weinberg, Referred to Natural Resources and Energy.  
SB 27, Introduced by Esp, Referred to Judiciary.  
SB 28, Introduced by Shockley, Referred to Judiciary.  
SB 29, Introduced by Smith, Referred to Highways and Transportation.  
SB 30, Introduced by Smith, Referred to Highways and Transportation.  
SB 31, Introduced by Esp, Referred to Judiciary.  
SB 32, Introduced by Schmidt, Referred to Public Health, Welfare and Safety.  
SB 33, Introduced by Steinbeisser, Referred to Local Government.  
SB 34, Introduced by Kitzenberg, Referred to Fish and Game.  
SB 36, Introduced by Cocchiarella, Referred to Highways and Transportation.  
SB 37, Introduced by Gebhardt, Referred to Finance and Claims.  
SB 38, Introduced by Ryan, Referred to Education and Cultural Resources.  
SB 39, Introduced by Brown, Referred to Judiciary.  
SB 40, Introduced by Cocchiarella, Referred to State Administration.  
SB 41, Introduced by Elliott, Referred to Judiciary.  
SB 42, Introduced by Brueggeman, Referred to Business, Labor, and Economic Affairs.  
SB 43, Introduced by M. Tropila, Referred to Business, Labor, and Economic Affairs.  
SB 44, Introduced by Larson, Referred to Fish and Game.  
SB 45, Introduced by Weinberg, Referred to Public Health, Welfare and Safety.  
SB 46, Introduced by Moss, Referred to Highways and Transportation.  
SB 47, Introduced by Esp, Referred to State Administration.  
SB 48, Introduced by Esp, Referred to Public Health, Welfare and Safety.  
SB 49, Introduced by Esp, Referred to Education and Cultural Resources.  
SB 50, Introduced by Gallus, Referred to Judiciary.  
SB 51, Introduced by Hawks, Referred to Local Government.  
SB 52, Introduced by Shockley, Referred to Business, Labor, and Economic Affairs.  
SB 53, Introduced by Cocchiarella, Referred to Business, Labor, and Economic Affairs.  
SB 54, Introduced by Cocchiarella, Referred to Business, Labor, and Economic Affairs.  
SB 55, Introduced by Ryan, Referred to Finance and Claims.  
SB 56, Introduced by Ryan, Referred to Education and Cultural Resources.  
SB 57, Introduced by Harrington, Referred to State Administration.  
SB 58, Introduced by Hansen, Referred to Fish and Game.  
SB 59, Introduced by Hansen, Referred to Agriculture, Livestock and Irrigation.  
SB 60, Introduced by Cobb, Referred to Finance and Claims.  
SB 61, Introduced by Cobb, Referred to Taxation.  
SB 62, Introduced by Cobb, Referred to State Administration.  
SB 63, Introduced by Cobb, Referred to State Administration.

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SB 64, Introduced by Cobb, Referred to State Administration.  
SB 65, Introduced by Cobb, Referred to Finance and Claims.  
SB 66, Introduced by Wanzenried, Referred to Finance and Claims.  
SB 67, Introduced by Wanzenried, Referred to Judiciary.  
SB 68, Introduced by Wanzenried, Referred to Business, Labor, and Economic Affairs.  
SB 69, Introduced by Wanzenried, Referred to Finance and Claims.  
SB 70, Introduced by J. Tropila, Referred to State Administration.  
SB 71, Introduced by Gebhardt, Referred to State Administration.  
SB 72, Introduced by Squires, Referred to State Administration.  
SB 73, Introduced by McGee, Referred to Judiciary.  
SB 74, Introduced by Jent, Referred to Judiciary.  
SB 75, Introduced by Hawks, Referred to Natural Resources and Energy.  
SB 76, Introduced by Gillan, Referred to Taxation.  
SB 77, Introduced by Laible, Referred to Fish and Game.  
SB 78, Introduced by Larson, Referred to Fish and Game.  
SB 79, Introduced by Laible, Referred to Finance and Claims.  
SB 80, Introduced by Larson, Referred to State Administration.  
SB 81, Introduced by Schmidt, Referred to Public Health, Welfare and Safety.  
SB 82, Introduced by Brueggeman, Referred to State Administration.  
SB 83, Introduced by Schmidt, Referred to Public Health, Welfare and Safety.  
SB 84, Introduced by Elliott, Referred to Local Government.  
SB 85, Introduced by Schmidt, Referred to Judiciary.  
SB 86, Introduced by McGee, Referred to Judiciary.  
SB 87, Introduced by McGee, Referred to Judiciary.  
SB 88, Introduced by Hawks, Referred to Taxation.  
SB 89, Introduced by Williams, Referred to Public Health, Welfare and Safety.  
SB 90, Introduced by Laslovich, Referred to Public Health, Welfare and Safety.  
SB 91, Introduced by Williams, Referred to State Administration.  
SB 92, Introduced by Steinbeisser, Referred to Business, Labor, and Economic Affairs.  
SB 93, Introduced by Pease, Referred to Public Health, Welfare and Safety.  
SB 94, Introduced by Esp, Referred to Public Health, Welfare and Safety.  
SB 95, Introduced by Smith, Referred to Public Health, Welfare and Safety.  
SB 96, Introduced by Williams, Referred to State Administration.  
SB 97, Introduced by Cocchiarella, Referred to Business, Labor, and Economic Affairs.  
SB 98, Introduced by Harrington, Referred to State Administration.  
SB 99, Introduced by Harrington, Referred to Taxation.  
SB 100, Introduced by Jent, Referred to Judiciary.  
SB 101, Introduced by Jent, Referred to State Administration.  
SB 102, Introduced by Lind, Referred to Local Government.  
SB 103, Introduced by Lind, Referred to Local Government.  
SB 104, Introduced by Squires, Referred to Judiciary.  
SB 105, Introduced by Lind, Referred to Natural Resources and Energy.  
SB 106, Introduced by Kitzenberg, Referred to Fish and Game.  
SB 107, Introduced by Kitzenberg, Referred to Fish and Game.  
SB 108, Introduced by Cocchiarella, Referred to Business, Labor, and Economic Affairs.  
SB 109, Introduced by Laible, Referred to Judiciary.  
SB 110, Introduced by Laible, Referred to Local Government.  
SB 111, Introduced by Larson, Referred to Natural Resources and Energy.  
SB 112, Introduced by Lewis, Referred to Fish and Game.  
SB 113, Introduced by Lewis, Referred to State Administration.

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SB 114, Introduced by Larson, Referred to Business, Labor, and Economic Affairs.  
SB 115, Introduced by Jent, Referred to Fish and Game.  
SB 116, Introduced by Brueggeman, Referred to Business, Labor, and Economic Affairs.  
SB 117, Introduced by Cobb, Referred to State Administration.  
SB 118, Introduced by Cobb, Referred to Public Health, Welfare and Safety.  
SB 119, Introduced by Moss, Referred to Judiciary.  
SB 120, Introduced by Elliott, Referred to Taxation.  
SB 121, Introduced by Elliott, Referred to Taxation.  
SB 122, Introduced by Kitzenberg, Referred to Highways and Transportation.  
SB 123, Introduced by Williams, Referred to Education and Cultural Resources.  
SB 124, Introduced by Harrington, Referred to Public Health, Welfare and Safety.  
SB 125, Introduced by Harrington, Referred to Judiciary.  
SB 126, Introduced by Gallus, Referred to Fish and Game.  
SB 127, Introduced by Wanzenried, Referred to Taxation.  
SB 128, Introduced by Laslovich, Referred to Fish and Game.  
SB 129, Introduced by Schmidt, Referred to Education and Cultural Resources.  
SB 130, Introduced by Story, Referred to Local Government.  
SB 131, Introduced by Cobb, Referred to Natural Resources and Energy.  
SB 132, Introduced by Gallus, Referred to Public Health, Welfare and Safety.  
SB 133, Introduced by Essmann, Referred to Judiciary.  
SB 134, Introduced by Essmann, Referred to Business, Labor, and Economic Affairs.  
SB 135, Introduced by M. Tropila, Referred to Business, Labor, and Economic Affairs.  
SB 136, Introduced by J. Tropila, Referred to State Administration.  
SB 137, Introduced by Laible, Referred to Finance and Claims.  
SB 138, Introduced by Wanzenried, Referred to Taxation.  
SB 139, Introduced by Harrington, Referred to Taxation.  
SB 140, Introduced by Weinberg, Referred to Public Health, Welfare and Safety.  
SB 141, Introduced by Laslovich, Referred to Judiciary.  
SB 142, Introduced by Lind, Referred to Public Health, Welfare and Safety.  
SB 143, Introduced by Shockley, Referred to Judiciary.  
SB 144, Introduced by Shockley, Referred to Judiciary.  
SB 145, Introduced by Shockley, Referred to Natural Resources and Energy.  
SB 146, Introduced by Shockley, Referred to Judiciary.  
SB 147, Introduced by Shockley, Referred to Local Government.  
SB 148, Introduced by Shockley, Referred to Business, Labor, and Economic Affairs.  
SB 149, Introduced by Tash, Referred to Public Health, Welfare and Safety.  
SB 150, Introduced by Gillan, Referred to Taxation.  
SB 151, Introduced by Ryan, Referred to Business, Labor, and Economic Affairs.  
SB 152, Introduced by Ryan, Referred to Education and Cultural Resources.  
SB 153, Introduced by Cocchiarella, Referred to Business, Labor, and Economic Affairs.  
SB 154, Introduced by Laible, Referred to Judiciary.  
SB 155, Introduced by Williams, Referred to State Administration.  
SB 156, Introduced by Perry, Referred to Judiciary.  
SB 157, Introduced by Ryan, Referred to Business, Labor, and Economic Affairs.  
SB 158, Introduced by Cocchiarella, Referred to Highways and Transportation.  
SB 159, Introduced by Harrington, Referred to Highways and Transportation.  
SB 160, Introduced by Schmidt, Referred to Local Government.  
SB 161, Introduced by Laible, Referred to Business, Labor, and Economic Affairs.  
SB 162, Introduced by Schmidt, Referred to Public Health, Welfare and Safety.  
SB 163, Introduced by Shockley, Referred to Judiciary.

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SB 164, Introduced by Gallus, Referred to Judiciary.  
SB 165, Introduced by Brueggeman, Referred to Business, Labor, and Economic Affairs.  
SB 166, Introduced by J. Tropila, Referred to Fish and Game.  
SB 167, Introduced by Hawks, Referred to Natural Resources and Energy.  
SB 168, Introduced by Jent, Referred to State Administration.  
SB 169, Introduced by Laslovich, Referred to Judiciary.  
SB 170, Introduced by Perry, Referred to Judiciary.  
SB 171, Introduced by Perry, Referred to Judiciary.  
Sb 172, Introduced by J. Tropila, Referred to State Administration.  
Sb 173, Introduced by Juneau, Referred to State Administration.  
Sb 174, Introduced by Elliott, Referred to Taxation.  
Sb 175, Introduced by Squires, Referred to State Administration.  
SB 176, Introduced by Squires, Referred to State Administration.  
SB 177, Introduced by Squires, Referred to State Administration.  
SB 178, Introduced by Lewis, Referred to Natural Resources and Energy.  
SB 179, Introduced by Hansen, Referred to Agriculture, Livestock and Irrigation.  
SB 180, Introduced by Harrington, Referred to Natural Resources and Energy.

**SPECIAL ORDERS OF THE DAY**

President Cooney asked Senator Williams to introduce the new Democratic Senators. Senators Jent, Juneau, Kaufmann, M. Tropila, and Wanzenried were introduced.

President Cooney asked Senator Stapleton to introduce the newly elected Republican Senators. Senators Brown, Jackson, Murphy and Peterson were introduced by Senator Stapleton.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1 p.m., Thursday, January 4, 2007. Motion carried.

Senate adjourned at 2:10 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

**60TH LEGISLATURE  
SECOND LEGISLATIVE DAY**

Helena, Montana  
January 4, 2007

Senate Chambers  
State Capitol

Senate convened at 1 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 46

Nays: Balyeat, Gebhardt, O'Neil, Shockley.  
Total 4

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**MOTIONS**

**SEN. JIM ELLIOTT, SD 7, TROUT CREEK** moved SB 127 presently in Taxation Committee be placed in Business and Labor Committee. Motion carried.

**SEN. JESSE LASLOVICH, SD 43, ANACONDA** moved SB 49 presently in Education Committee be placed in Judiciary. Motion carried.

**SPECIAL ORDERS OF THE DAY**

Sandra Alcosser, Poet Laureate, presented the following poems for the Senate:

**WHAT MAKES THE GRIZZLIES DANCE**

June and finally snowpeas  
sweeten the Mission Valley.  
High behind numinous meadows  
lady bugs swarm, like huge  
lacquered fans from Hong Kong,  
like serrated skirts  
of blown poppies,  
whole mountains turn red.  
And in the blue penstemon  
grizzly bears swirl  
as they bat snags of color  
against their ragged mouths.  
Have you never wanted  
to spin like that  
on hairy, leathered feet,  
amid swelling berries

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as you tasted a language  
of early summer--shaping  
lazy operatic vowels,  
cracking hard-shelled  
consonants like speckled  
insects between your teeth,  
have you never wanted  
to waltz the hills  
like a beast?

Sandra Alcosser  
from Except by Nature

Approaching August

Night takes on its own elegance.  
The catenary curve of snakes,  
the breathing, pentagonal-shaped  
flowers, the shadblow pliant  
and black with berries. Orion  
rises in the east, over  
fat green gardens, and all meanness  
is forgiven.

We canoe the river  
in the amethyst hour before dark.  
Two billion beats to each heart.  
Two passengers fish, two paddle  
past the chalk caves, the banks  
of aster, the flood plains dense  
with white tail and beaver.

We are lost near midnight, a moonless  
summer evening, midseason in our senses,  
midlife. The sky overhead like glitter ice.  
The water round swollen cottonwoods  
pulls like tresses and torn paper.

Today I had a letter from France.  
"What a truly civilized nation," my friend wrote  
as she drank her morning coffee with thick cream  
in a country cafe near Avignon. "To my right  
a man in a black tuxedo sips raspberry liqueur  
and soda."

Here on the same latitude we lie back at dawn  
on the caving bank of the Bitterroot.  
A shadow slips through the silver grasses.  
And then a moth.  
And then the moon.

Sandra Alcosser  
from Except by Nature

FOXFIRE

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Once I thought we would know everything,  
that's what this was for, this fox fire,  
this fragrant energy like nighthawks  
screaming at dusk.  
All winter I stalked elk that were down  
from the mountain and starving.  
I walked the low places where they galloped  
through slush, the rocks where they wallowed  
and pawed for new grasses, the tooth marks  
on aspen, the mineral lick, the creek  
where the water was roiled and milky.  
I sweated through immovable snow  
and fell down exhausted, but when I imagined  
I'd stand in a thicket, my eyes glazed over,  
my sharp breath, and know the cold  
communion of elk, I was wrong.  
Once I thought we were all gods  
blessed and strutting this lovely planet.  
The earth was a minor passing, like the path  
down to our ditch for water, pretty  
with serviceberry, but transient.  
As a young girl I swung upside down  
with other girls as we hung by our heels  
from a jungle gym and contemplated heaven.  
It was a silky place. I preferred  
purgatory, like a dark café,  
retrievers curled about the table legs  
and the warm abraded doors.  
At thirty-eight I'm still the babe  
of my family. Once I thought they would teach me,  
that even their last breath would be a key,  
but now I see them drifting off from their easy chairs  
like a tribe leaving shore together, the television  
blaring, their mouths sagged open, and when they  
return for brief moments, they stare at me  
as if I were a stranger.  
All that I will ever know is right here  
in the wash and till of these few acres.  
Frost tonight and behind it the whole summer  
so brief I can still see the bronco-faced calf  
born to the bloody pasture and the brown trout  
suspended in its first glittering insect hatch.  
There will never be more than twilight, a valley  
receding to glass. In this tiny paradise  
of common flowers, the waist-high marigolds  
blaze up like golden dowagers. Venus rises alone  
and early to a cold black sky.  
Sandra Alcosser  
from A Fish to Feed All Hunger



SENATE JOURNAL  
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**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 181**, introduced by Cobb, referred to State Administration.  
**SB 182**, introduced by Cobb, referred to Public Health, Welfare and Safety.  
**SB 183**, introduced by Laible, referred to Judiciary.  
**SB 184**, introduced by Hawks, referred to Local Government.  
**SB 185**, introduced by Hawks, referred to Highways and Transportation.  
**SB 186**, introduced by Lewis, referred to Public Health, Welfare and Safety.  
**SB 187**, introduced by Bales, Tash, referred to Agriculture, Livestock and Irrigation.  
**SB 188**, introduced by Tash, Ross, referred to Agriculture, Livestock and Irrigation.  
**SB 189**, introduced by Kitzenberg, referred to Natural Resources and Energy.  
**SB 190**, introduced by Lewis, Ryan, Brown, Stahl, Schmidt, Franklin, Ripley, Cooney, Musgrove, referred to Highways and Transportation.

**REPORTS OF STANDING COMMITTEES**

Correctly printed: **SB 181, SB 182, SB 183, SB 184, SB 185, SB 186, SB 187, SB 188, SB 189, SB 190.**

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1 p.m., Friday, January 5, 2007. Motion carried.

Senate adjourned at 1:35 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

**SENATE JOURNAL  
60TH LEGISLATURE  
THIRD LEGISLATIVE DAY**

Helena, Montana  
January 5, 2007

Senate Chambers  
State Capitol

Senate convened at 1 p.m. President Cooney presiding. Invocation by Father Jerry Lowney.  
Pledge of Allegiance to the Flag.

Roll Call:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzonried, Weinberg, Williams, Mr. President.

Total 44

Nays: Balyeat, Elliott, Gebhardt, O'Neil, Shockley.

Total 5

Absent or not voting: None.

Total 0

Excused: Smith.

Total 1

**MOTIONS**

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** moved SB 155 presently in State Administration Committee be transferred to Public Health, Welfare & Safety Committee. Motion carried.

**SEN. JIM SHOCKLEY, SD 45, VICTOR** moved **SEN. CAROLYN SQUIRES, SD 48, MISSOULA** be added as a sponsor to SB 7 and SB 18 and that **SEN. KEITH BALES, SD 20, OTTER** be added as sponsor to SB 13. Motion carried.

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 191**, introduced by Esp, referred to Business, Labor, and Economic Affairs.

**SB 192**, introduced by Essmann, referred to Judiciary.

**SB 193**, introduced by Laslovich, referred to Judiciary.

**SB 194**, introduced by Kitzenberg, referred to Highways and Transportation.

**SB 195**, introduced by Lind, referred to Natural Resources and Energy.

**SB 196**, introduced by Squires, referred to Public Health, Welfare and Safety.

**SB 197**, introduced by Weinberg, referred to Finance and Claims.

**SB 198**, introduced by Kitzenberg, French, Musgrove, Branae, Cohenour, referred to Education and Cultural Resources.

**SJR 2**, introduced by Smith, Cohenour, French, referred to Judiciary.

**SPECIAL ORDERS OF THE DAY**

We, your committee on Legislative Administration recommend that the following attaches of the Senate be employed as of 12:00 p.m., Wednesday, January 3, 2007:

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TITLE

NAME

Pages:

Danielle Beveridge, Helena  
Ellie Newell, Helena  
Shauna Milne-Price, Helena  
Brianne DeWitt, Helena

Report Adopted.

**REPORTS OF STANDING COMMITTEES**

Correctly printed: **SB 191, SB 192, SB 193, SB 194, SB 195, SB 196, SB 197, SB 198.**

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1 p.m., Monday, January 8, 2007. Motion carried.

Senate adjourned at 1:20 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

**SENATE JOURNAL  
60TH LEGISLATURE  
FOURTH LEGISLATIVE DAY**

Helena, Montana  
January 8, 2007

Senate Chambers  
State Capitol

Senate convened at 1 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 44

Nays: Balyeat, Esp, Gebhardt, Jackson, O'Neil, Shockley.  
Total 6

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**REPORTS OF STANDING COMMITTEES**

**TAXATION** (Elliott, Chairman):

1/8/2007

**SB 21**, introduced bill, be amended as follows:

1. Page 1, line 13.

**Strike:** "To"

**Insert:** "Subject to 15-10-420, to"

**Strike:** "as authorized under 15-10-425"

And, as amended, do pass. Report adopted.

**SB 88**, do pass. Report adopted.

Correctly printed: **SB 88, SB 199, SB 200, SB 201, SB 202, SB 203, SB 204, SB 205, SB 206, SB 207, SB 208, SB 209.**

Correctly engrossed: **SB 21.**

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 199**, introduced by Wanzenried, referred to Local Government.

**SB 200**, introduced by Lewis, Klock, Milburn, Williams, Ripley, Cobb, Ebinger, Sonju, Hollenbaugh, Van Dyk, Olson, Sesso, Wanzenried, Hiner, Thomas, Cordier, referred to Natural Resources and Energy.

**SB 201**, introduced by Laible, Gillan, Hawks, Nooney, Hands, Grinde, Murphy, O'Hara, Ebinger, Wiseman, Dutton, Jacobson, referred to Local Government.

SENATE JOURNAL  
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**SB 202**, introduced by Laslovich, Williams, Shockley, Kaufmann, Sands, Jent, referred to State Administration.

**SB 203**, introduced by Balyeat, referred to Judiciary.

**SB 204**, introduced by Ryan, referred to Business, Labor, and Economic Affairs.

**SB 205**, introduced by Jent, referred to Fish and Game.

**SB 206**, introduced by Cobb, Weinberg, referred to Public Health, Welfare and Safety.

**SB 207**, introduced by M. Tropila, referred to Education and Cultural Resources.

**SB 208**, introduced by M. Tropila, referred to Highways and Transportation.

**SB 209**, introduced by Essmann, referred to Business, Labor, and Economic Affairs.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1:00 p.m., Tuesday, January 9, 2007. Motion carried.

Senate adjourned at 1:11 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

**SENATE JOURNAL  
60TH LEGISLATURE  
FIFTH LEGISLATIVE DAY**

Helena, Montana  
January 9, 2007

Senate Chambers  
State Capitol

Senate convened at 1 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. **SEN. GERALD PEASE, SD 21, LODGE GRASS** excused . Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J. Tropila, M. Tropila, Wanzonried, Weinberg, Williams, Mr. President.  
Total 44

Nays: Balyeat, Gebhardt, Jackson, O'Neil, Shockley.  
Total 5

Absent or not voting: None.  
Total 0

Excused: Pease.  
Total 1

**REPORTS OF STANDING COMMITTEES**

**AGRICULTURE, LIVESTOCK AND IRRIGATION (Hansen, Chairman):** 1/9/2007  
**SB 59**, do pass. Report adopted.

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Cocchiarella, Chairman):** 1/9/2007  
**SB 43**, do pass. Report adopted.

**EDUCATION AND CULTURAL RESOURCES (Ryan, Chairman):** 1/9/2007  
**SB 16**, do pass. Report adopted.

**RULES (Williams, Chairman):** 1/9/2007  
**SJR 1**, be adopted. Report adopted.

**MOTIONS**

**SEN. JESSE LASLOVICH, SD 43, ANACONDA** moved SB202 to Judiciary Committee. Motion carried.

**SEN. DAVE LEWIS, SD 42, HELENA** moved to add **SEN. JIM SHOCKLEY, SD 45, VICTOR** to SB 200. Motion carried.

**SEN. DAVE LEWIS, SD 42, HELENA** moved to add **SEN. CAROLYN SQUIRES, SD 48, MISSOULA** to SB 19. Motion carried.

Correctly printed: **SB 16, SB 20, SB 21, SB 39, SB 40, SB 43, SB 59, SB 88, SB 210, SB 211, SB 212, SB 213, SB 214, SB 215, SB 216, SB 217, SB 218, SB 219, SB 220, SB 221, SB 222, SB 223.**

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FIFTH LEGISLATIVE DAY - JANUARY 9, 2007

Correctly engrossed: **SB 50**.

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 210**, introduced by Laslovich, referred to Taxation.  
**SB 211**, introduced by Larson, referred to Business, Labor, and Economic Affairs.  
**SB 212**, introduced by Cobb, referred to Public Health, Welfare and Safety.  
**SB 213**, introduced by Cobb, referred to State Administration.  
**SB 214**, introduced by Lewis, referred to Business, Labor, and Economic Affairs.  
**SB 215**, introduced by Harrington, Gallus, Keane, referred to Taxation.  
**SB 216**, introduced by Weinberg, referred to Public Health, Welfare and Safety.  
**SB 217**, introduced by Elliott, referred to Taxation.  
**SB 218**, introduced by Lind, Cobb, Erickson, referred to Natural Resources and Energy.  
**SB 219**, introduced by Balyeat, Musgrove, referred to State Administration.  
**SB 220**, introduced by Elliott, referred to Taxation.  
**SB 221**, introduced by Bales, Black, Himmelberger, Ross, Kerns, Lambert, Hawk, Beck, Cobb, referred to State Administration.  
**SB 222**, introduced by Esp, referred to Highways and Transportation.  
**SB 223**, introduced by J. Peterson, Bales, Lambert, Himmelberger, Ross, Kerns, McGee, referred to Natural Resources and Energy.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator J. Tropila in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 88** - Senator Hawks moved **SB 88** do pass. Motion carried with 48 Senators Yea and Senator O'Neil voting Nay.

**SB 21** - Senator Larson moved **SB 21** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Pease.

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Total 1

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman J. Tropila moved the Committee of the Whole report be adopted. Report adopted unanimously.

**SPECIAL ORDERS OF THE DAY**

**LEGISLATIVE ADMINISTRATION** (Smith, Chairman):

MR. PRESIDENT:

We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 5:00 p.m., Friday, January 5, 2007:

<u>TITLE</u>	<u>NAME</u>
Pages:	Danielle Beveridge, Helena
	Ellie Newell, Helena
	Shauna Milne-Price
	Brianne DeWitt, Helena

and recommend that the following attaches of the Senate be employed as of 1 p.m., Tuesday, January 9, 2007:

<u>TITLE</u>	<u>NAME</u>
Pages:	Kirsten Aasen, Helena
	Logan Faure, Helena
	Derek Janni, Whitefish
	Kelly Gilman, Helena
	Stefani McGraw, Cardwell

Report Adopted.

**REPORTS OF STANDING COMMITTEES**

AGRICULTURE, LIVESTOCK AND IRRIGATION (Hansen, Chairman):	1/9/2007
SB 59, do pass. Report adopted.	

JUDICIARY (Laslovich, Chairman):	1/9/2007
SB 20, do pass. Report adopted.	
SB 39, do pass. Report adopted.	
SB 50, introduced bill, be amended as follows:	

1. Title, line 8.

**Following:** "DEPARTMENT"

**Insert:** "OR YOUTH COURT"

2. Title, line 8 through line 9.



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**Following:** "EMPLOYEE" on line 8

**Strike:** remainder of line 8 through "OFFICER" on line 9

**Insert:** ", CONTRACTOR, OR VOLUNTEER"

3. Page 1, line 28 through line 29.

**Following:** "is" on line 28

**Strike:** remainder of line 28 through "5" on line 29

**Insert:** "an employee, contractor, or volunteer of the youth court and has supervisory or disciplinary authority over the victim"

4. Page 2, line 25 through line 26.

**Following:** "perpetrator is" on line 25

**Strike:** remainder of line 25 through "5" on line 26

**Insert:** "an employee, contractor, or volunteer of the youth court and has supervisory or disciplinary authority over the victim"

And, as amended, do pass. Report adopted.

RULES (Williams, Chairman):

1/9/2007

SR 1, be adopted. Report adopted.

STATE ADMINISTRATION (Squires, Chairman):

1/9/2007

SB 40, do pass. Report adopted.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1 p.m., Wednesday, January 10, 2007. Motion carried.

Senate adjourned at 1:36 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

**SENATE JOURNAL  
60TH LEGISLATURE  
SIXTH LEGISLATIVE DAY**

Helena, Montana  
January 10, 2007

Senate Chambers  
State Capitol

Senate convened at 1 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. **SEN. JIM SHOCKLEY, SD 45, VICTOR** excused. Quorum present

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Shockley.

Total 1

**MOTIONS**

**SEN. DAN WEINBERG, SD 2, WHITEFISH** moved **SB 24** be placed in Natural Resources Committee.  
Motion carried.

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 224**, introduced by Shockley, referred to Judiciary.

**SB 225**, introduced by Moss, referred to Education and Cultural Resources.

**SB 226**, introduced by Moss, referred to Public Health, Welfare and Safety.

**SB 227**, introduced by Laslovich, referred to Judiciary.

**SB 228**, introduced by Laslovich, referred to Judiciary.

**SB 229**, introduced by Laslovich, referred to Public Health, Welfare and Safety.

**SB 230**, introduced by J. Tropila, referred to Business, Labor, and Economic Affairs.

**SB 231**, introduced by J. Tropila, referred to Taxation.

**SB 232**, introduced by McGee, referred to State Administration.

**SB 233**, introduced by Elliott, referred to Taxation.

**SB 234**, introduced by Williams, referred to Business, Labor, and Economic Affairs.

**SB 235**, introduced by Gallus, Bergren, Jopek, Villa, Windy Boy, Noonan, Barkus, Elliott, referred to State

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Administration.

**SB 236**, introduced by Gallus, Bergren, Jopek, Lange, referred to Public Health, Welfare and Safety.

**SB 237**, introduced by Brueggeman, referred to Highways and Transportation.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Brueggeman in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 39** - Senator Brown moved **SB 39** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Shockley.  
Total 1

**SB 40** - Senator Cocchiarella moved **SB 40** do pass. Motion carried unanimously.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 21** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: None.  
Total 0

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Absent or not voting: None.  
Total 0

Excused: Shockley.  
Total 1

**SB 88** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 48

Nays: O'Neil.  
Total 1

Absent or not voting: None.  
Total 0

Excused: Shockley.  
Total 1

**REPORTS OF STANDING COMMITTEES**

Correctly printed: **SB 29, SB 30, SB 39, SB 73, SB 84, SB 140, SB 184, SB 224, SB 225, SB 226, SB 227, SB 228, SB 229, SB 230, SB 231, SB 232, SB 233, SB 234, SB 235, SB 236, SB 237.**  
Correctly engrossed: **SB 29.**

**HIGHWAYS AND TRANSPORTATION** (Pease, Chairman): 1/10/2007  
**SB 29**, do pass. Report adopted.  
**SB 30**, do pass. Report adopted.

**JUDICIARY** (Laslovich, Chairman): 1/10/2007  
**SB 27**, introduced bill, be amended as follows:

1. Title, line 7.

**Following:** "A"

**Strike:** "CUSTODIAL"

**Insert:** "FINDING THAT CONTACT IS IN THE BEST INTERESTS OF THE CHILD AND THE PRESUMPTION IN FAVOR OF A FIT"

2. Title, line 8.

**Following:** "BE"

**Strike:** "SHOWN TO BE AN UNFIT PARENT"

**Insert:** "REBUTTED"

3. Title, line 9 through line 10.

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**Strike:** "IN THE BEST" on line 9 through "CHILD" on line 10

4. Page 1, line 29.

**Following:** the first "parent"

**Strike:** "or" through "neglect"

**Insert:** "and in the case of an objecting fit parent that the presumption in favor of the parent's wishes has been rebutted"

5. Page 2, line 16 through line 17.

**Following:** "only" on line 16

**Strike:** remainder of line 16 through "and" on line 17

**Following:** "child" on line 17

**Insert:** "and the presumption in favor of the parent's wishes has been rebutted"

6. Page 2, line 28.

**Strike:** "(a)"

**Strike:** "custodial"

**Insert:** "fit"

7. Page 2, line 30.

**Strike:** "objecting parent is an unfit parent and that the"

**Following:** "contact"

**Insert:** "with the grandparent"

**Following:** "child"

**Insert:** "and that the presumption in favor of the parent's wishes has been rebutted"

8. Page 3, line 1 through line 2.

**Strike:** subsection (b) in its entirety

And, as amended, do pass. Report adopted.

SB 73, do pass. Report adopted.

**LOCAL GOVERNMENT** (Gillan, Chairman):

1/10/2007

SB 84, do pass. Report adopted.

SB 184, do pass. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

**House bills** passed and transmitted to the Senate for concurrence:

1/10/2007

**HB 46**, introduced by Gallik

**HB 48**, introduced by Jacobson

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

SENATE JOURNAL  
SIXTH LEGISLATIVE DAY - JANUARY 10, 2007

Majority Leader Williams moved that the Senate adjourn until 1 p.m., Thursday, January 11, 2007. Motion carried.

Senate adjourned at 1:21 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

**SENATE JOURNAL  
60TH LEGISLATURE  
SEVENTH LEGISLATIVE DAY**

Helena, Montana  
January 11, 2007

Senate Chambers  
State Capitol

Senate convened at 1 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 45

Nays: Balyeat, Gebhardt, Jackson, O'Neil, Shockley.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Quorum present.

**REPORTS OF STANDING COMMITTEES**

**Correctly printed: SB 13, SB 20, SB 27, SB 29, SB 30, SB 50, SB 59, SB 62, SB 84, SB 85, SB 119, SB 131, SB 178, SB 187, SB 188, SB 238, SB 239, SB 240, SB 241, SB 242, SB 243, SB 244, SB 245, SB 246, SJR 1.**

**Correctly engrossed: SB 184.**

**Correctly enrolled: SR 1.**

**AGRICULTURE, LIVESTOCK AND IRRIGATION** (Hansen, Chairman):

1/11/2007

**SB 187**, do pass. Report adopted.

**SB 188**, do pass. Report adopted.

**JUDICIARY** (Laslovich, Chairman):

1/11/2007

**SB 85**, do pass. Report adopted.

**SB 119**, do pass. Report adopted.

**NATURAL RESOURCES AND ENERGY** (Lind, Chairman):

1/11/2007

**SB 131**, do pass. Report adopted.

**SB 178**, do pass. Report adopted.

**STATE ADMINISTRATION** (Squires, Chairman):

1/11/2007

**SB 62**, do pass. Report adopted.

**FIRST READING AND COMMITMENT OF BILLS**

SENATE JOURNAL  
SEVENTH LEGISLATIVE DAY - JANUARY 11, 2007

The following Senate bills were introduced, read first time, and referred to committees:

**SB 238**, introduced by Wanzenried, referred to Judiciary.

**SB 239**, introduced by Balyeat, Lewis, Steinbeisser, Murphy, Brown, Larson, Vincent, Hamilton, Jent, Laslovich, Lind, Sonju, Ankney, Jacobson, referred to State Administration.

**SB 240**, introduced by Kaufmann, Harrington, referred to Business, Labor, and Economic Affairs.

**SB 241**, introduced by Kaufmann, Harrington, referred to Business, Labor, and Economic Affairs.

**SB 242**, introduced by Elliott, referred to Taxation.

**SB 243**, introduced by Balyeat, Lewis, Steinbeisser, Brown, Hamilton, Vincent, Larson, Sonju, Laslovich, referred to Fish and Game.

**SB 244**, introduced by Weinberg, Beck, referred to Local Government.

**SB 245**, introduced by McGee, referred to Local Government.

**SB 246**, introduced by Gallus, Sesso, Bergren, Groesbeck, Everett, Olson, Keane, Parker, Noonan, referred to Public Health, Welfare and Safety.

**SECOND READING AND COMMITMENT OF BILLS**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Laslovich in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 20** - Senator Shockley moved **SB 20** do pass. Motion carried unanimously

**SB 27** - Senator Esp moved **SB 27** do pass. Motion carried unanimously.

**SB 29** - Senator Smith moved **SB 29** do pass. Motion carried on voice vote, Senator Esp voting nay.

**SB 30** - Senator Smith moved **SB 30** do pass. Motion carried unanimously.

**SB 50** - Senator Gallus moved **SB 50** do pass. Motion carried unanimously.

**SB 59** - Senator Hansen moved **SB 59** do pass. Motion carried unanimously.

**SB 73** - Senator McGee moved **SB 73** do pass. Motion carried unanimously.

**SB 84** - Senator Elliott moved **SB 84** do pass. Motion carried unanimously.

**SB 184** - Senator O'Neil moved **SB 184**, second reading copy, be amended as follows:

1. Page 1, line 22.

**Strike:** subsection (1)(d) in its entirety

**Renumber:** subsequent subsections

Amendment **not** adopted as follows:

Yeas: Bales, Balyeat, Barkus, Brown, Curtiss, Esp, Essmann, Gebhardt, Jackson, McGee, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.



SENATE JOURNAL  
SEVENTH LEGISLATIVE DAY - JANUARY 11, 2007

Total 18

Nays: Black, Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 32

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 184** - Senator Hawks moved **SB 184**, second reading copy, be amended as follows:

1. Title, line 8.

**Strike:** "SECTION"

**Insert:** "SECTIONS 18-2-102 AND"

2. Page 1, line 11.

**Insert:** "**Section 1.** Section 18-2-102, MCA, is amended to read:

**"18-2-102. Authority to construct buildings.** (1) Except as provided in 22-3-1003 and subsection (2) of this section, a building costing more than \$150,000 may not be constructed without the consent of the legislature. Legislative approval of repair and maintenance costs as part of an agency's operating budget constitutes the legislature's consent. When a building costing more than \$150,000 is to be financed in a manner that does not require legislative appropriation of money, the consent may be in the form of a joint resolution.

(2) (a) The governor may authorize the emergency repair or alteration of a building and is authorized to transfer funds and authority as necessary to accomplish the project. Transfers may not be made from the funds for an uncompleted capital project unless the project is under the supervision of the same agency.

(b) The regents of the Montana university system may authorize the construction of revenue-producing facilities referred to in 20-25-302 if they are to be financed wholly from the revenue from the facility.

(c) The regents of the Montana university system, with the consent of the governor, may authorize the construction of a building that is financed wholly with federal or private money if the construction of the building will not result in any new programs.

(d) The department of military affairs, with the consent of the governor, may authorize the construction of a building that is financed wholly with federal or private money on federal land for the use or benefit of the state.""

**Renumber:** subsequent sections

Motion carried unanimously.

**SB 184** - Senator O'Neil moved **SB 184**, as amended, do pass:

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 41

Nays: Balyeat, Brown, Curtiss, Esp, Jackson, McGee, O'Neil, Steinbeisser, Story.

SENATE JOURNAL  
SEVENTH LEGISLATIVE DAY - JANUARY 11, 2007

Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Williams moved the Committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Laslovich moved the Committee of the Whole report be adopted. Report adopted unanimously.

**MOTIONS**

**SJR 1** - Senator Williams moved **SJR 1** be adopted. Motion carried with Senator Black and Senator Jackson voting nay.

**SR 1** - Senator Williams moved **SR 1** be adopted. Motion carried unanimously.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 39** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 40** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

SENATE JOURNAL  
SEVENTH LEGISLATIVE DAY - JANUARY 11, 2007

Total 49

Nays: McGee.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1 p.m., Friday, January 12, 2007. Motion carried.

Senate adjourned at 2:31 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

**SENATE JOURNAL  
60TH LEGISLATURE  
EIGHTH LEGISLATIVE DAY**

Helena, Montana  
January 12, 2007

Senate Chambers  
State Capitol

Senate convened at 1 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 44

Nays: Balyeat, Esp, Gebhardt, Jackson, O'Neil, Shockley.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Quorum present.

**MOTIONS**

**SEN. GREG LIND, SD 50, MISSOULA** moved **SB 221** be placed in Natural Resources Committee. Motion carried. Senator Lind moved **SB 229** be placed in Judiciary Committee. Motion carried.

**REPORTS OF STANDING COMMITTEES**

**Correctly printed: SB 16, SB 43, SB 44, SB 62, SB 66, SB 69, SB 97, SB 247, SB 248, SB 249, SB 250, SB 251, SB 252, SB 253, SB 254, SB 255, SB 256, SB 257, SB 258, SB 259, SB 260.**

**Correctly engrossed: SB 13, SB 37.**

**Correctly enrolled: SR 1.**

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Cocchiarella, Chairman):

1/12/2007

**SB 37**, introduced bill, be amended as follows:

1. Page 1, line 19.

**Following:** "(ii)"

**Insert:** "By September 15, the legislative branch consolidated shall submit a preliminary draft of the information required under 17-7-111 to the budget director."

2. Page 1, line 20.

**Following:** "17-7-111"

**Insert:** "in final form"

And, as amended, do pass. Report adopted.

SENATE JOURNAL  
EIGHTH LEGISLATIVE DAY - JANUARY 12, 2007

**FINANCE AND CLAIMS** (Schmidt, Chairman): 1/12/2007  
**SB 66**, do pass. Report adopted.  
**SB 69**, do pass. Report adopted.

**FISH AND GAME** (Tropila, Chairman): 1/12/2007  
**SB 13**, introduced bill, be amended as follows:  
1. Title, page 1, line 6.  
**Strike:** "AND DERIVE A MAJORITY OF INCOME FROM"

2. Page 1, line 17.  
**Strike:** "and must derive a majority of income from"

And, as amended, do pass. Report adopted.

**SB 97**, do pass. Report adopted.

**SB 44**, do pass. Report adopted.

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 247**, introduced by Elliott, referred to State Administration.

**SB 248**, introduced by Story, Wanzenried, Ross, Laslovich, Noonan, referred to Natural Resources and Energy.

**SB 249**, introduced by Barkus, referred to Judiciary.

**SB 250**, introduced by Barkus, Jackson, Steinbeisser, J. Peterson, referred to Business, Labor, and Economic Affairs.

**SB 251**, introduced by Larson, Cocchiarella, Branae, Ryan, McAlpin, Olson, Kottel, Becker, Jopek, Kitzenberg, Dutton, Cohenour, Driscoll, Gillan, Grinde, Moss, K. Peterson, Keane, French, Smith, referred to Highways and Transportation.

**SB 252**, introduced by Larson, Kottel, Cocchiarella, Branae, Ryan, Kitzenberg, Dutton, Becker, Jopek, McAlpin, Olson, French, Cohenour, Driscoll, Keane, Gillan, Grinde, K. Peterson, Moss, Smith, Ankney, Campbell, Cocchiarella, Branae, Grinde, Ryan, Juneau, McAlpin, Jopek, Small-Eastman, Kitzenberg, Kaufmann, Bixby, Moss, Driscoll, Keane, French, Brueggeman, Cohenour, Augare, referred to State Administration.

**SB 253**, introduced by Cooney, referred to State Administration.

**SB 254**, introduced by Wanzenried, Gallus, Parker, Jent, Gillan, Hamilton, Schmidt, Keane, Smith, Hands, Grinde, Cordier, Ryan, Cooney, Kaufmann, Bergren, Furey, Jopek, Driscoll, Cohenour, Squires, Thomas, Williams, Moss, Larson, Reinhart, J. Tropila, Augare, Ankney, referred to Business, Labor, and Economic Affairs.

**SB 255**, introduced by McGee, referred to Judiciary.

**SB 256**, introduced by McGee, referred to Education and Cultural Resources.

**SB 257**, introduced by McGee, referred to Education and Cultural Resources.

**SB 258**, introduced by Shockley, referred to Business, Labor, and Economic Affairs.

**SB 259**, introduced by Shockley, referred to Taxation.

**SB 260**, introduced by Shockley, referred to State Administration.

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**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator McGee in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 62** - Senator Cobb moved **SB 62** do pass. Motion carried unanimously.

**SB 16** - Senator Hawks moved **SB 16** do pass. Motion carried unanimously.

**SB 43** - Senator M. Tropila moved **SB 43** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams.  
Total 48

Nays: Stapleton, Mr. President.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman McGee moved the Committee of the Whole report be adopted. Report adopted unanimously.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 20** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams.  
Total 49

Nays: None.

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Total 0

Absent or not voting: Mr. President.

Total 1

Excused: None.

Total 0

**SB 27** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 29** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Mr. President.

Total 48

Nays: Esp.

Total 1

Absent or not voting: Williams.

Total 1

Excused: None.

Total 0

**SB 30** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt,

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Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 50** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 59** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0



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**SB 73** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 84** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SJR 1** adopted as follows:

Yeas: Bales, Balyeat, Barkus, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 48

Nays: Black, Jackson.

Total 2

Absent or not voting: None.

Total 0

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Excused: None.

Total 0

**SR 1** adopted as follows:

Yeas: Bales, Barkus, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 45

Nays: Balyeat, Black, Cobb, Essmann, Jackson.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1 p.m., Monday, January 15, 2007. Motion carried.

Senate adjourned at 1:35 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

**SENATE JOURNAL  
60TH LEGISLATURE  
NINTH LEGISLATIVE DAY**

Helena, Montana  
January 15, 2007

Senate Chambers  
State Capitol

Senate convened at 1 p.m. Senator Esp excused. Quorum present. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag

Roll Call.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 45

Nays: Balyeat, Gebhardt, Jackson, O'Neil.

Total 4

Absent or not voting: None.

Total 0

Excused: Esp.

**MOTIONS**

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** moved the Senate recess and convene with the House for a joint session to hear United States U.S. Senator Jon Tester's address in the House Chambers. Motion carried.

President Cooney, Speaker Sales, esteemed members of the Montana House and Senate: thank you for allowing me the opportunity to address this joint session of the 60<sup>th</sup> Session of the Montana Legislature. It is an honor and a privilege to be able to be with so many good friends today. It also feels mighty good to be home!

For Sharla and I, Montana is, and always will be, home. While I may have a temporary address on Capitol Hill, home will always be on the farm in Big Sandy, Montana. The people of this great state have entrusted me with the awesome responsibility of representing them in the United States Senate. It is a responsibility that I accept with humility and resolve.

That a guy like me – a third-generation dry-land grain farmer from north-central Montana – would be afforded the opportunity to represent his state in the greatest deliberative body ever conceived by man is yet another illustration of the genius of our democratic system of government. And while the task before me is daunting, I know that the lessons and values I learned in Montana will serve me well as I work hard to represent Montana every day in Washington. I ran for the United States Senate out of a fierce determination to make our federal government work again for ordinary Americans. While that notion may seem naïve to the cynical, the dispirited, and those vested in maintaining the status quo, I know in my heart that making government responsive to the needs of each and every one of our citizens is not just a dream, but in fact the duty of every public servant, at every level of government.

I know it can be done because it HAS been done. Right here in Montana. During my eight years working in these very halls as a State Senator from Big Sandy, I developed an abiding faith not only in the promise of our democratic ideals, but also in the real and tangible capacity of government to get things done for people. We are the people's government.

Citizen legislatures like this one truly are the incubators of democracy. They lead the way in terms of innovation, new ideas and cutting-edge policy initiatives. They lead the way in ensuring that the voice of everyday folks is heard. Those ideals and values I learned in these very halls is what I am taking to the United States Senate.

During my time in the Montana Legislature, we were able to make genuine strides in improving the lives of people who entrusted us to do their business. We were able to make the government work for the people of our state.

And how were we able to achieve these great strides? It's simple. By working together to do what is best for the people of Montana.

At the end of the day, we put aside partisanship, regional and economic differences, to do the right thing. We were always guided by Montana values like common sense, living within our means, extending a hand to a neighbor in need, and investing in our future.

I ask you to consider for a moment all that was accomplished during the previous session of the Montana Legislature. Working collaboratively – across the aisle and with Governor Schweitzer – we enacted numerous and concrete policy initiatives for the people of this state. As past President of the Montana Senate, I look back with pride over our collective resolve to invest in public education; to make health care more accessible and affordable; to provide real support for Montana businesses; create new opportunities for Montana's workers; and help lead the nation toward energy independence. And we were able to achieve very real and tangible results on time, with a balanced budget, and without raising taxes. Washington can learn much from what we have accomplished here in Big Sky Country.

As you go about the people's business during this current legislative session, I ask that you continue to keep in mind these lessons learned about the need for cooperation and collaboration to advance the public good. You have the opportunity to keep Montana moving on the right track. By continuing to support public education – with programs like voluntary all-day kindergarten as well as investing in our schools and university system – you can provide every Montana child with the tools and resources they need to allow them to succeed in a highly competitive global economy.

And education is a lifelong process. Continuing education and work force training are critical to growing Montana's economy, creating jobs and providing opportunities for folks to stay in Montana, raise a family and make a living.

I am confident that these values and lessons I learned, both growing up in Big Sandy and in these halls, will serve me well as your voice in the United States Senate.

In Washington, I look forward to working both closely and cooperatively with Senator Baucus, Representative Rehberg, and members of both parties to move our state and nation forward.

As I stated earlier, the Congress of the United States can learn much from what has been accomplished right here in Montana.

Last November, the people of this great nation expressed their overwhelming dissatisfaction with “politics as usual” in our nation's capitol. They had grown weary of the partisan excess, scandal and a Beltway culture that placed the desires of the wealthy and well connected above the needs of ordinary Americans. They wanted their government to work for them again.

Americans have never been captive to ideology or political party. They are always open to new ideas and a fresh perspective. Most of all, they just want their government to get things done.

And those elected officials who fail to learn this lesson will sooner or later be held accountable. Again, the Montana model of government is instructive.

Take the issue of ethics. Montana enjoys some of the most progressive open-government, campaign finance and lobbyist disclosure laws in the nation. And it is my sincere hope that you do nothing to draw the veil on the ability of Montanans to see what is happening in the political process.

Sadly, this transparency in government has not been the case in Washington. Scandals and questionable ethical behavior cast a dark shadow over Congress -- and frankly over everyone in public service. The people demanded we shine light on the workings of government, and we are going to give it to them. I am proud to support the most sweeping ethics reform legislation in a generation. We are working to ban gifts and travel paid for by special-interest lobbyists; require lobbyists to be more forthcoming about their activities; and stop the “revolving door” where former members of Congress walk out the door of the nation's capitol and into the office of a big corporate law firm as millionaire lobbyists.

But comprehensive ethics reform is only a start. Numerous challenges – both foreign and domestic – face our country today. And these challenges cannot and will not be resolved by partisanship or ideology, but by working together to make government work for each and every American.

There is likely no greater domestic challenge facing our country than how we are going to fix America's ongoing health care crisis. With more than 46 million Americans and better than 1 in 5 Montanans lacking even

the most basic form of health care coverage, this crisis is severe and I know it is apparent to each and every one of you.

Again, the progress Montana has made in the area of health care coverage can be instructive as our nation goes about addressing this monumental crisis. By fully funding the Children's Health Insurance Program, we were able to provide health insurance to tens of thousands of Montana kids. Through the Big Sky Rx Program, we made prescription drug coverage more affordable for Montana seniors and the disabled. And through the Insure Montana program, we were able to make health insurance more affordable to Montana small businesses and their employees.

Congress can make health care affordable and accessible for every American. It is incumbent on us to provide the political will and resolve to make it happen.

Getting a handle on our skyrocketing national debt is another urgent concern and critical to our national security. In the last five years, we've doubled our debt to foreign interests. And here at home, we are saddling each and every American with a \$30,000 in debt. Debt that will be re-paid by our children and grandchildren. The latest catch phrase in Washington is "pay as you go." This means you don't spend money you don't have. Not exactly a revolutionary concept here in Montana, where we've been balancing the state budget every year for more than a generation. Here in Montana we know how to live within our means. It's long past time for the federal government to do the same.

In an area that encompasses both our long term economic as well as security interests, it is essential that our nation achieve – once and for all – meaningful energy independence. And the path for America's energy independence runs right through the state of Montana.

As past President of the Montana Senate, I am extremely proud of the work we did with Governor Schweitzer and members of both parties to help Montana pave the way to America's energy independence. Working together, we were able to jump-start Montana's wind energy industry, make renewables a component of Montana's energy portfolio, and provide incentives for the production of ethanol. This has been good for Montana's economy and our national security. I look forward to working in the United States Senate to expand our nation's supply of renewable and alternative energy.

The numerous threats and challenges facing our country from abroad demand a new direction from our leadership in Washington, D.C.

More than 5 years after the heinous attacks of September 11<sup>th</sup>, most of the perpetrators of those despicable acts remain at large. In the meantime, we find ourselves mired in a bloody and open-ended conflict in Iraq. After \$300 billion dollars – that's over \$2 billion dollars a week -- and the loss of more than 3,000 American lives – including 14 Montanans – we must reexamine our strategy and foreign policy priorities. In response to the President's recent plan to send even more troops to Iraq, my colleague, and our friend, Senator Max Baucus – whose family has suffered a grievous loss in this conflict – mapped a new course. I commend Senator Baucus for his courage and stand with him, and the tens of thousands of Montanans and millions of Americans who agree we cannot afford the status quo. Max and I are firm in our resolve to chart a new foreign policy based on political and diplomatic, as well as military, options.

Today we honor the memory of Dr. Martin Luther King, Jr. A great American leader who reminded us that we are all together in this great democracy.

It is my deep and sincere hope that as this 60<sup>th</sup> session of the Montana Legislature deliberates the people's business that you always keep in mind the following: That which unites us is far greater than that which divides us.

At the end of the day, we are more than Republicans or Democrats, city or country, Native American, Hispanic, Black or White. We are, at the end of the day, all Montanans and Americans. Working together, putting the common good over individual gain, we can both achieve the promise of our democratic ideals and make government work for every Montanan and every American.

Thank you and God Bless you all.

Senate reconvened 1:41 p.m. Senators Esp, Smith excused. Quorum present.

Roll Call.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Squires, Stapleton, Steinbeisser, Story, Tash,

J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 43

Nays: Balyeat, Gebhardt, Jackson, O'Neil, Shockley.  
Total 5

Absent or not voting: None.  
Total 0

Excused: Esp, Smith.  
Total 2

All members present, except Senators Esp and Smith. Quorum present

### REPORTS OF STANDING COMMITTEES

**Correctly printed: SB 5, SB 44, SB 66, SB 69, SB 75, SB 90, SB 94, SB 97, SB 104, SB 119, SB 131, SB 163, SB 170, SB 178, SB 187, SB 188, SB 261, SB 262, SB 263, SB 264.**  
**Correctly engrossed: SB 48.**

**JUDICIARY** (Laslovich, Chairman): 1/15/2007  
**SB 5**, do pass. Report adopted.  
**SB 15**, do pass. Report adopted.  
**SB 104**, do pass. Report adopted.  
**SB 163**, do pass. Report adopted.  
**SB 170**, do pass. Report adopted.

**PUBLIC HEALTH, WELFARE AND SAFETY** (Weinberg, Chairman): 1/15/2007  
**SB 48**, introduced bill, be amended as follows:

1. Page 3, line 28 through line 30.  
**Strike:** subsection (9) in its entirety  
**Renumber:** subsequent subsection

And, as amended, do pass. Report adopted.

**SB 90**, do pass. Report adopted.  
**SB 94**, do pass. Report adopted.

### MOTIONS

**SEN. JESSE LASLOVICH, SD 43, ANACONDA** moved to have **SB 8** moved to Judiciary Committee. Motion carried.

**SEN. DAN WEINBERG, SD 2, WHITEFISH** moved **SEN. DANIEL MCGEE, SD 29, LAUREL** be added to **SB 245** as a sponsor. Motion carried.

**SEN. TRUDI SCHMIDT, SD 11, GREAT FALLS** moved to postpone **SB 85** from the second reading agenda. Motion carried.

## FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

**SB 261**, introduced by Lewis, referred to Local Government.

**SB 262**, introduced by J. Tropila, referred to Agriculture, Livestock and Irrigation.

**SB 263**, introduced by Lind, referred to Judiciary.

**SB 264**, introduced by Kaufmann, Wanzenried, referred to Local Government.

## SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Elliott in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 44** - Senator Larson moved **SB 44** do pass. Motion carried unanimously.

**SB 66** - Senator Wanzenried moved **SB 66** do pass. Motion carried unanimously.

**SB 69** - Senator Wanzenried moved **SB 69** do pass. Motion carried as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Cocchiarella, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Squires, Steinbeisser, Tash, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 39

Nays: Balyeat, Brown, Cobb, Curtiss, McGee, O'Neil, Shockley, Stapleton, Story.

Total 9

Absent or not voting: None.

Total 0

Excused: Esp, Smith.

Total 2

**SB 97** - Senator Cocchiarella moved **SB 97** do pass. Motion carried unanimously.

**SB 119** - Senator Moss moved **SB 119** do pass. Motion carried unanimously.

**SB 131** - Senator Cobb moved **SB 131** do pass. Motion carried unanimously.

**SB 178** - Senator Lewis moved **SB 178** do pass. Motion carried unanimously.

**SB 188** - Senator Tash moved **SB 188** do pass. Motion carried unanimously.

**SB 187** - Senator Bales moved **SB 187** do pass. Motion carried unanimously.

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed.

President Cooney in the chair. Chairman Elliott moved the Committee of the Whole report be adopted. Report adopted unanimously.

### **THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 184** passed as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 42

Nays: Balyeat, Esp, Jackson, McGee, O'Neil, Shockley, Steinbeisser, Story.

Total 8

Paired: Williams, Aye; Esp, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 62** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Esp.

Total 1

**SB 16** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49



Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Esp.  
Total 1

**SB 43** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Esp.  
Total 1

**LEGISLATIVE ADMINISTRATION** (Smith, Chairman):

MR. PRESIDENT:

We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 12:00 p.m., Saturday, January 13, 2007:

<u>TITLE</u>	<u>NAME</u>
Pages:	Kirsten Aasen, Helena
	Logan Faure, Helena
	Derek Janni, Whitefish
	Kelly Gilman, White Sulfur Springs
	Stefani McGraw, Cardwell

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, January 15, 2007:

<u>TITLE</u>	<u>NAME</u>
Pages:	Adam Terrio, Helena
	Clark Barker, Cardwell
	Katherine Stanfield, Polson

Report Adopted.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1 p.m., Tuesday, January 16, 2007. Motion carried.

Senate adjourned at 2:41 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

**SENATE JOURNAL  
60TH LEGISLATURE  
TENTH LEGISLATIVE DAY**

Helena, Montana  
January 16, 2007

Senate Chambers  
State Capitol

Senate convened at 1 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. Senator Juneau excused. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 44

Nays: Balyeat, Gebhardt, Jackson, O'Neil, Shockley.  
Total 5

Absent or not voting: None.  
Total 0

Excused: Juneau.  
Total 1

**REPORTS OF STANDING COMMITTEES**

**Correctly printed:** SB 23, SB 37, SB 72, SB 82, SB 90, SB 94, SB 123, SB 163, SB 170, SB 265, SB 266, SB 267, SB 268, SB 269, SB 270, SB 271, SB 272, SB 273, SB 274, SB 275, SB 276, SB 277, SB 278, SB 279, SB 280, SB 281, SB 282, SB 283.

**Correctly engrossed:** SB 70, SB 83, SB 104, SB 150.

**Signed by the President at 4:00 p.m., January 15, 2007:** SR 1.

**Signed by the Secretary of the Senate at 3:45 p.m., January 15, 2007:** SR 1.

**Delivered to the Secretary of State at 2:13 p.m., January 16, 2007:** SR 1.

**EDUCATION AND CULTURAL RESOURCES** (Ryan, Chairman): 1/16/2007  
SB 23, do pass. Report adopted.  
SB 123, do pass. Report adopted.

**PUBLIC HEALTH, WELFARE AND SAFETY** (Weinberg, Chairman): 1/16/2007  
SB 83, introduced bill, be amended as follows:

1. Page 2, line 16.

**Strike:** "by the department, is"

**Insert:** "and"

2. Page 2, line 17.

**Following:** "court"

**Strike:** " "

3. Page 2, line 17.

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**Following:** "who"

**Insert:** "who"

And, as amended, do pass. Report adopted.

**STATE ADMINISTRATION** (Squires, Chairman):

1/16/2007

**SB 70**, introduced bill, be amended as follows:

1. Page 1, line 12.

**Strike:** "28"

**Insert:** "29"

2. Page 1, line 21.

**Following:** "industry,"

**Insert:** "Montana's insurance industry,"

And, as amended, do pass. Report adopted.

**JUDICIARY** (Laslovich, Chairman):

1/16/2007

**SB 104**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** "SPECIFYING"

**Strike:** "THAT"

**Following:** "WHICH"

**Strike:** "TO BEGIN"

2. Title, line 6.

**Following:** "OFFENSES"

**Strike:** "INCLUDES"

**Insert:** "MAY BE COMMENCED"

3. Page 1, line 12 through page 3, line 4.

**Strike:** everything after the enacting clause

**Insert:** "Section 1. Section 45-1-205, MCA, is amended to read:

**"45-1-205. General time limitations.** (1) (a) A prosecution for deliberate, mitigated, or negligent homicide may be commenced at any time.

(b) ~~★ Except as provided in subsection (9),~~ a prosecution for a felony offense under 45-5-502, 45-5-503, or 45-5-507(4) may be commenced within 10 years after it is committed, except that it may be commenced within 10 years after the victim reaches 18 years of age if the victim was less than 18 years of age at the time that the offense occurred. A prosecution for a misdemeanor offense under those provisions may be commenced within 1 year after the offense is committed, except that it may be commenced within 5 years after the victim reaches 18 years of age if the victim was less than 18 years of age at the time that the offense occurred.

(c) ~~★ Except as provided in subsection (9),~~ a prosecution under 45-5-504, 45-5-505, 45-5-507(1), (2), (3), or (5), 45-5-625, or 45-5-627 may be commenced within 5 years after the victim reaches 18 years of age if the victim was less than 18 years of age at the time that the offense occurred.

(2) Except as provided in subsection (7)(b) or as otherwise provided by law, prosecutions for other offenses are subject to the following periods of limitation:

(a) A prosecution for a felony must be commenced within 5 years after it is committed.

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- (b) A prosecution for a misdemeanor must be commenced within 1 year after it is committed.
- (3) The periods prescribed in subsection (2) are extended in a prosecution for theft involving a breach of fiduciary obligation to an aggrieved person as follows:
- (a) if the aggrieved person is a minor or incompetent, during the minority or incompetency or within 1 year after the termination of the minority or incompetency;
- (b) in any other instance, within 1 year after the discovery of the offense by the aggrieved person or by a person who has legal capacity to represent an aggrieved person or has a legal duty to report the offense and is not personally a party to the offense or, in the absence of discovery, within 1 year after the prosecuting officer becomes aware of the offense.
- (4) The period prescribed in subsection (2) must be extended in a prosecution for unlawful use of a computer, and prosecution must be brought within 1 year after the discovery of the offense by the aggrieved person or by a person who has legal capacity to represent an aggrieved person or has a legal duty to report the offense and is not personally a party to the offense or, in the absence of discovery, within 1 year after the prosecuting officer becomes aware of the offense.
- (5) The period prescribed in subsection (2) is extended in a prosecution for misdemeanor fish and wildlife violations under Title 87, and prosecution must be brought within 3 years after an offense is committed.
- (6) The period prescribed in subsection (2)(b) is extended in a prosecution for misdemeanor violations of the laws regulating the activities of outfitters and guides under Title 37, chapter 47, and prosecution must be brought within 3 years after an offense is committed.
- (7) (a) An offense is committed either when every element occurs or, when the offense is based upon a continuing course of conduct, at the time when the course of conduct is terminated. Time starts to run on the day after the offense is committed.
- (b) A prosecution for theft under 45-6-301 may be commenced at any time during the 5 years following the date of the theft, whether or not the offender is in possession of or otherwise exerting unauthorized control over the property at the time the prosecution is commenced. After the 5-year period ends, a prosecution may be commenced at any time if the offender is still in possession of or otherwise exerting unauthorized control over the property, except that the prosecution must be commenced within 1 year after the investigating officer discovers that the offender still possesses or is otherwise exerting unauthorized control over the property.
- (8) A prosecution is commenced either when an indictment is found or an information or complaint is filed.
- (9) If after a time period prescribed in subsection (1)(b) or (1)(c) has expired a suspect is conclusively identified by DNA testing, a prosecution may be commenced within 1 year after a suspect is conclusively identified by DNA testing."

And, as amended, do pass. Report adopted.

**STATE ADMINISTRATION** (Squires, Chairman):

1/16/2007

**SB 72**, do pass. Report adopted.

**SB 82**, do pass. Report adopted.

**TAXATION** (Elliott, Chairman):

1/16/2007

**SB 150**, introduced bill, be amended as follows:

1. Page 1, line 24.

**Strike:** "asset"

**Insert:** "assets"

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

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**House bills** passed and transmitted to the Senate for concurrence:

1/15/2007

**HB 1**, introduced by Sinrud  
**HB 18**, introduced by W. Jones  
**HB 23**, introduced by Hiner  
**HB 41**, introduced by Augare  
**HB 42**, introduced by McChesney  
**HB 43**, introduced by McChesney  
**HB 51**, introduced by Pomnichowski  
**HB 62**, introduced by Jacobson  
**HB 67**, introduced by Heinert  
**HB 70**, introduced by Clark  
**HB 106**, introduced by Cordier

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 265**, introduced by Kitzenberg, referred to Public Health, Welfare and Safety.  
**SB 266**, introduced by Shockley, referred to Judiciary.  
**SB 267**, introduced by Shockley, referred to State Administration.  
**SB 268**, introduced by Bales, referred to Taxation.  
**SB 269**, introduced by Larson, referred to State Administration.  
**SB 270**, introduced by Larson, referred to State Administration.  
**SB 271**, introduced by Brown, Essmann, Becker, Ross, Butcher, Cocchiarella, Himmelberger, Arntzen, Gillan, Laslovich, Story, Jackson, Black, Pease, Branae, Moss, Brueggeman, referred to Highways and Transportation.  
**SB 272**, introduced by O'Neil, Jackson, Tash, Groesbeck, Everett, Curtiss, Gebhardt, Beck, Lewis, Ripley, Wanzenried, Steinbeisser, W. Jones, Barkus, Balyeat, Perry, Larson, Ryan, referred to State Administration.  
**SB 273**, introduced by Jent, referred to State Administration.  
**SB 274**, introduced by Laible, referred to Natural Resources and Energy.  
**SB 275**, introduced by Kitzenberg, referred to Taxation.  
**SB 276**, introduced by Steinbeisser, McChesney, Black, referred to Business, Labor, and Economic Affairs.  
**SB 277**, introduced by Laible, referred to Judiciary.  
**SB 278**, introduced by Gillan, Raser, referred to Judiciary.  
**SB 279**, introduced by Balyeat, Himmelberger, Koopman, Wells, Kitzenberg, Jackson, Murphy, Heinert, Dutton, Lewis, Curtiss, J. Peterson, K. Peterson, Story, Brown, Steinbeisser, Glaser, Cobb, Perry, McGillvray, Hendrick, Lambert, Barkus, Rice, Essmann, Lake referred to State Administration.  
The following Senate bill was introduced, read first time, and referred to committee:  
**SB 280**, introduced by Balyeat, Jackson, Himmelberger, Rice, Curtiss, Brown, Wells, McGillvray, K. Peterson, Brueggeman, Glaser, referred to State Administration.  
**SB 281**, introduced by Balyeat, Hendrick, Koopman, Himmelberger, Steinbeisser, Heinert, Morgan, Barkus, Jent, Brown, Curtiss, Dutton, J. Peterson, K. Peterson, Lewis, McNutt, Story, Glaser, Lambert, Gebhardt, Wells, Rice, Ingraham, Ripley, Brueggeman, McGillvray, Lake, referred to Taxation.  
**SB 282**, introduced by Lind, referred to Judiciary.  
**SB 283**, introduced by Lind, referred to Judiciary.  
**HB 1**, introduced by Sinrud, referred to Finance and Claims.  
**HB 18**, introduced by W. Jones, referred to State Administration.  
**HB 23**, introduced by Hiner, referred to Highways and Transportation.  
**HB 41**, introduced by Augare, referred to Natural Resources and Energy.

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**HB 42**, introduced by McChesney, referred to Finance and Claims.  
**HB 43**, introduced by McChesney, referred to State Administration.  
**HB 46**, introduced by Gallik, referred to State Administration.  
**HB 48**, introduced by Jacobson, referred to State Administration.  
**HB 51**, introduced by Pomnichowski, referred to State Administration.  
**HB 62**, introduced by Jacobson, referred to State Administration.  
**HB 67**, introduced by Heinert, referred to State Administration.  
**HB 70**, introduced by Clark, referred to State Administration.  
**HB 106**, introduced by Cordier, referred to Business, Labor, and Economic Affairs.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Story in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 85** - passed consideration for the day.

**SB 37** - Senator Gebhardt moved **SB 37** do pass. Motion carried unanimously.

**SB 104** - Senator Squires moved **SB 104** do pass. Motion carried unanimously.

**SB 163** - Senator Shockley moved **SB 163** do pass. Motion carried as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Gillan, Harrington, Jent, Kitzenberg, Laible, Larson, Lewis, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, J.Tropila.

Total 34

Nays: Balyeat, Elliott, Gallus, Hansen, Hawks, Jackson, Kaufmann, Laslovich, Lind, Squires, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 15

Absent or not voting: None.

Total 0

Excused: Juneau.

Total 1

**SB 170** - Senator Perry moved **SB 170** do pass. Motion carried unanimously.

**SB 90** - Senator Laslovich moved **SB 90** do pass. Motion carried with Senator McGee voting nay.

**SB 94** - Senator Esp moved **SB 94** do pass. Motion carried unanimously.

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Story moved the Committee of the Whole report be adopted. Report

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adopted unanimously.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 44** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 48

Nays: Kaufmann.  
Total 1

Absent or not voting: None.  
Total 0

Excused: Juneau.  
Total 1

**SB 66** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 46

Nays: Esp, McGee, Stapleton.  
Total 3

Absent or not voting: None.  
Total 0

Excused: Juneau.  
Total 1

**SB 69** passed as follows:

Yeas: Bales, Black, Brueggeman, Cocchiarella, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 38

Nays: Balyeat, Barkus, Brown, Cobb, Curtiss, Esp, McGee, O'Neil, Shockley, Stapleton, Story.



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Total 11

Absent or not voting: None.

Total 0

Excused: Juneau.

Total 1

**SB 97** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Juneau.

Total 1

**SB 119** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Juneau.

Total 1

**SB 131** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: None.

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Total 0

Absent or not voting: None.

Total 0

Excused: Juneau.

Total 1

**SB 178** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Juneau.

Total 1

**SB 187** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Juneau.

Total 1

**SB 188** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: None.

Total 0

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Absent or not voting: None.  
Total 0

Excused: Juneau.  
Total 1

**MOTIONS**

**SEN. TRUDI SCHMIDT, SD 11, GREAT FALLS** moved discussion of **SB 85** be postponed. Motion carried.

**SEN. JESSE LASLOVICH, SD 43, ANACONDA** noted **SB 5** was tabled in committee requesting that it be referred to Judiciary Committee. Motion carried.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1:00 p.m., Wednesday, January 17, 2007. Motion carried.

Senate adjourned at 1:54 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

**SENATE JOURNAL  
60TH LEGISLATURE  
ELEVENTH LEGISLATIVE DAY**

Helena, Montana  
January 17, 2007

Senate Chambers  
State Capitol

Senate convened at 1 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Story, Tash, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 44

Nays: Balyeat, Gebhardt, Jackson, O'Neil, Shockley.

Total 5

Absent or not voting: None.

Total 0

Excused: Steinbeisser.

Total 1

Quorum present.

**REPORTS OF STANDING COMMITTEES**

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Cocchiarella, Chairman):

1/17/2007

**SB 92**, introduced bill, be amended as follows:

1. Title, line 10.

**Following:** "REQUIREMENTS;"

**Insert:** "CLARIFYING WHO PAYS CERTAIN FEES;"

2. Title, line 14.

**Following:** "32-9-124,"

**Insert:** "32-9-125,"

3. Page 9, line 17.

**Following:** "services and"

**Insert:** "three"

**Following:** "choose"

**Insert:** ", each within a 100-mile radius of the property subject to being mortgaged, if available"

4. Page 9, line 19.

**Insert:** "**Section 12.** Section 32-9-125, MCA, is amended to read:

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**"32-9-125. Trust accounts -- fees other than bona fide third-party fees.** (1) Every mortgage broker doing business in this state shall:

(a) maintain a trust account at a financial institution located in this state whose deposits or shares are insured, and the trust account funds may not be commingled with any other funds of the mortgage broker;

(b) deposit into the trust account any bona fide third-party fee that the mortgage broker receives ~~unless the borrower pays the bona fide third party directly~~; and

(c) pay third-party fees to a bona fide third party from the mortgage broker's trust account unless the borrower, the seller, or another person involved in the transaction pays the bona fide third party directly.

(2) A mortgage broker may not charge or receive, directly or indirectly, fees for assisting a borrower in obtaining a mortgage until all of the services that the mortgage broker has agreed to perform for the borrower are completed. A mortgage broker may not charge a residential loan application fee in excess of the amount allowed by federal law. Prior to completion of services, the fees provided for in subsection (3) incurred by a bona fide third party in assisting the borrower to obtain a mortgage must be paid.

(3) The following fees must be paid ~~directly~~ by the borrower, the seller, or another person involved in the transaction directly to the bona fide third party providing the services or must be ~~deposited~~ paid by the borrower, if applicable, into the mortgage broker's trust account ~~the seller, or another person involved in the transaction to the mortgage broker~~ for payment of services performed by the bona fide third party:

(a) credit report fees;

(b) notary fees;

(c) title search, appraisal, or survey fees;

(d) rate-lock fees not exceeding 3% of the mortgage loan amount; and

(e) fees paid directly by the borrower, the seller, or another person involved in the transaction to a state or federal government agency or instrumentality for purposes of processing a mortgage application relating to a government-sponsored or guaranteed mortgage program.

(4) The department shall by rule define the meaning of "another person involved in the transaction"."

**Renumber:** subsequent sections

5. Page 9, line 24.

**Following:** "provision"

**Insert:** "of"

6. Page 13, line 11.

**Strike:** "A"

**Insert:** "In addition to the penalties in subsection (1), a"

7. Page 13, line 18.

**Following:** "10,"

**Strike:** "12"

**Insert:** "13"

**Following:** "and"

**Strike:** "13"

**Insert:** "14"

8. Page 13, line 20.

**Following:** "10,"

**Strike:** "12"

**Insert:** "13"

**Following:** "and"

**Strike:** "13"

**Insert:** "14"

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And, as amended, do pass. Report adopted.

**FISH AND GAME** (Tropila, Chairman):  
**SB 112**, introduced bill, be amended as follows:

1/17/2007

1. Title, line 4.

**Strike:** "LICENSES"

**Insert:** "PRIVILEGES"

2. Title, line 6.

**Following:** "RECOUP THE"

**Insert:** "LICENSE"

**Following:** "COSTS"

**Strike:** "OF"

3. Title, line 7.

**Strike:** "THE LICENSES ON A BIENNIAL"

**Insert:** "ASSOCIATED WITH THE FISHING AND HUNTING PRIVILEGES ON A QUARTERLY"

4. Page 1, line 23 through line 24.

**Strike:** "department" on line 23 through "biennium" on line 24

**Insert:** "department's general license account must be reimbursed by a quarterly transfer of funds from the general fund to the general license account"

5. Page 1, line 24.

**Following:** "with the"

**Strike:** "free"

**Following:** "bird"

**Strike:** "licenses"

**Insert:** "hunting privileges"

6. Page 1, line 25.

**Strike:** "biennium"

**Insert:** "calendar quarter"

**Following:** " \_"

**Insert:** "Reimbursement costs must be designated as license revenue."

And, as amended, do pass. Report adopted.

**SB 126**, do pass. Report adopted.

**SB 139**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** "TO"

**Insert:** "A TOTAL OF"

2. Title, line 7.

**Following:** "2006"

**Insert:** "AND OF CERTAIN 2005 AND 2004 MONTANA REAL PROPERTY TAXES PAID ON THE PRINCIPAL RESIDENCE"

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3. Page 1, line 16.

**Strike:** "2006"

4. Page 1, line 19.

**Following:** "assessed in"

**Insert:** "the specified"

**Strike:** "2006"

5. Page 1, line 23.

**Following:** "(1)"

**Insert:** "(a)"

6. Page 1, line 27.

**Following:** line 26

**Insert:** "(b) If the 2006 Montana property taxes assessed to and paid by a taxpayer or taxpayers on the residence they owned and occupied as their principal residence for at least 7 months during 2006 were more than \$25 and less than \$400, a refund of the 2005 Montana property taxes assessed to and paid by the taxpayer or taxpayers on the principal residence, if they owned and occupied it as their principal residence for at least 7 months during 2005, may be claimed as provided in subsection (2), subject to the limitations provided in subsection (3), in an amount that together with the refund under subsection (1)(a) does not exceed \$400.

(c) If the 2006 Montana property taxes assessed to and paid by a taxpayer or taxpayers on the residence they owned and occupied as their principal residence for at least 7 months during 2006, together with the 2005 Montana property taxes allowed as a refund under subsection (1)(b), were more than \$50 and less than \$400, a refund of the 2004 Montana property taxes assessed to and paid by the taxpayer or taxpayers on the principal residence, if they owned and occupied it as their principal residence for at least 7 months during 2004, may be claimed as provided in subsection (2), subject to the limitations provided in subsection (3), in an amount that together with the refund under subsections (1)(a) and (1)(b) does not exceed \$400."

7. Page 2, line 6.

**Insert:** "(c) The claims by a taxpayer or taxpayers for 2006, 2005, and 2004 must be for the same property."

8. Page 2, line 18.

**Strike:** "2007"

**Insert:** "2008"

And, as amended, do pass. Report adopted.

**LOCAL GOVERNMENT** (Gillan, Chairman):

1/17/2007

**SB 35**, do pass. Report adopted.

**TAXATION** (Elliott, Chairman):

1/17/2007

**SB 99**, introduced bill, be amended as follows:

1. Title, line 6.

**Strike:** "OR"

**Insert:** ", "

**Following:** "COLLECTION"

**Insert:** ", OR REFUND"

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2. Page 1, line 28.

**Strike:** "3"

**Insert:** "5"

3. Page 2, line 5 through line 7.

**Strike:** "in lieu" on line 5 through "carryback" on line 7

**Insert:** "the overpayment may be refunded or credited within the period that expires on the 15th day of the 41st month following the close of the tax year of the net operating loss if that period expires later than 5 years from the due date of the return for the year to which the net operating loss is carried back"

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

**House bills** passed and transmitted to the Senate for concurrence: 1/17/2007

**HB 111**, introduced by Furey

**House bill** passed and transmitted to the Senate for concurrence: 1/17/2007

**HB 140**, introduced by Ingraham

**House joint resolution** passed and transmitted to the Senate for concurrence: 1/17/2007

**HJR 3**, introduced by Musgrove

**MOTIONS**

**SEN. COREY STAPLETON, SD 27, BILLINGS** moved to place **SB 13** on second reading for the 12th Legislative day. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hawks, Jackson, Jent, Kitzenberg, Laible, Laslovich, Lewis, Lind, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Shockley, Smith, Stapleton, Story, Tash, J.Tropila, M.Tropila, Weinberg, Mr. President.  
Total 39

Nays: Hansen, Harrington, Juneau, Kaufmann, Larson, Moss, Schmidt, Squires, Wanzenried, Williams.  
Total 10

Absent or not voting: None.  
Total 0

Excused: Steinbeisser.  
Total 1

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 284**, introduced by Moss, Perry, referred to Local Government.



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**SB 285**, introduced by Cooney, referred to State Administration.

**SB 286**, introduced by Cooney, referred to State Administration.

**SB 287**, introduced by Weinberg, Arntzen, Jopek, Harrington, O'Hara, Williams, Murphy, Lewis, Becker, Wanzenried, Cobb, Kaufmann, Sonju, Lind, Noonan, referred to Public Health, Welfare and Safety.

**SB 288**, introduced by Schmidt, Perry, Clark, Sesso, referred to Public Health, Welfare and Safety.

**SB 289**, introduced by Gallus, Becker, referred to Public Health, Welfare and Safety.

**SB 290**, introduced by Laible, McNutt, Jacobson, Laslovich, referred to State Administration.

**SB 291**, introduced by Perry, Ryan, Tash, Koopman, referred to Education and Cultural Resources.

**SB 292**, introduced by Ryan, referred to Local Government.

**SB 293**, introduced by Laible, referred to Natural Resources and Energy.

The following House bills were introduced, read first time, and referred to committees:

**HB 111**, introduced by Furey, referred to Business, Labor, and Economic Affairs.

**HB 140**, introduced by Ingraham, referred to State Administration.

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 3**, introduced by Musgrove, referred to Highways and Transportation.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Wanzenried in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 23** - Senator Moss moved **SB 23** do pass. Motion carried as follows:

Yeas: Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 39

Nays: Bales, Balyeat, Barkus, Curtiss, Gebhardt, Jackson, McGee, O'Neil, Perry, Stapleton.

Total 10

Absent or not voting: None.

Total 0

Excused: Steinbeisser.

Total 1

**SB 48** - Senator Esp moved **SB 48** do pass. Motion carried unanimously.

**SB 72** - Senator Squires moved **SB 72** do pass. Motion carried unanimously.

**SB 82** - Senator Brueggeman moved **SB 82** do pass. Motion carried unanimously.

**SB 85** - Senator Schmidt moved **SB 85** do pass for the day.

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Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Wanzenried moved the Committee of the Whole report be adopted. Report adopted unanimously.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 37** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Steinbeisser.

Total 1

**SB 90** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 47

Nays: Esp, Gebhardt.

Total 2

Absent or not voting: None.

Total 0

Excused: Steinbeisser.

Total 1

**SB 94** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

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Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Steinbeisser.

Total 1

**SB 163** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Gillan, Hansen, Harrington, Jent, Juneau, Kitzenberg, Laible, Larson, Lewis, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Stapleton, Story, Tash, J.Tropila, M.Tropila.

Total 38

Nays: Gallus, Hawks, Jackson, Kaufmann, Laslovich, Lind, Squires, Wanzenried, Weinberg, Williams, Mr. President.

Total 11

Absent or not voting: None.

Total 0

Excused: Steinbeisser.

Total 1

**SB 170** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Steinbeisser.

Total 1

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1 p.m., Friday, January 19, 2007. Motion carried.

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Senate adjourned at 1:51 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

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60TH LEGISLATURE  
TWELFTH LEGISLATIVE DAY**

Helena, Montana  
January 18, 2007

Senate Chambers  
State Capitol

Senate convened at 1 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. Senator Harrington excused. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Hansen, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 43

Nays: Balyeat, Esp, Gebhardt, Jackson, O'Neil, Shockley.  
Total 6

Absent or not voting: None.  
Total 0

Excused: Harrington.  
Total 1

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** moved to meet jointly in the House to hear the State of the Judiciary speech. Motion carried.

Chief Justice of the Montana Supreme Court, Karla Gray spoke as follows:

Speaker Sales, President Cooney, Members of the Sixtieth Montana Legislature, honored guests and fellow Montanans:

I'm most honored to report to this joint session of the Montana Legislature—and the people we all serve—on the Judicial Branch's accomplishments since our two Branches were last officially together in 2005, and on the challenges that remain. This is the fourth time I've formally reported to you as Chief Justice of the Montana Supreme Court, and it's certainly been an interesting "ride," thanks in large part to this body's decision in 2001 to have the state assume financial responsibility for the District Courts spread across the entirety of this place we all so gratefully call home. I report with great satisfaction that the promise of state assumption is being realized, and that the Judicial Branch has entered a new era of accountability, modernization and increased responsiveness to Montana's citizens. We still need your help to meet our constituents' needs for—and constitutional guarantees to—quality and reasonably timely justice, but more on that a bit later.

Let me start by recognizing, and thanking you for, the hugely important action you took last session—under the leadership of Senator McGee and others—in creating the first-ever Montana public defender system. That system is rightly being looked to as a model by other states, and by removing responsibility for indigent defense from the Judicial Branch to the Branch where it properly belongs, you also left us—thankfully—able to focus on Judicial Branch planning and activities.

This has been a biennium of enormous accomplishments and improvements in the Judicial Branch which, as you know, has approximately 400 employees across Montana, but makes up only 2.5% of the overall state general fund budget. I started preparing for today with a very lengthy list of our successes during the past biennium. I soon realized it was just too much to cover without risking my vocal cords and, much more importantly, without presuming on your time constraints. So, I've narrowed down to a few major areas. I invite you to contact either myself or our excellent administrative staff if you want to learn more or if we can assist you in your work in any appropriate way.

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Government works best when it works together to meet the needs of our citizens.

The Judicial Branch has focused heavily on Montana's kids these past two years, first with our emphasis on more efficient and effective management of child abuse and neglect cases. At the urging of the Judicial Branch, the Departments of Public Health and Human Services and Justice, as well as the new Office of the Public Defender, joined with us to hold the first-ever Montana summit on the protection of children this past August; its theme was "Children Can't Wait." The event brought together almost 200 people—prosecutors, defenders, social workers, volunteer CASAs (court-appointed special advocates for kids) and trial judges—to focus on improving processes for Montana children and their families involved in abuse and neglect cases. Senators Williams and Esp joined us, and we appreciated it.

The summit was a huge, action-oriented success. Real, tangible improvements on the state and local level began there, and continue through local action teams made up of all the "players" in child abuse and neglect cases, because children really can't wait. Our second children's summit—with the theme "Dear Kids, We're Getting There!"—will be held on August 22 and 23 this year, and I invite all of you to join us in this important collaborative effort. I'm glad to see from the number of bill draft requests on this subject that the Judicial Branch and the Legislature are on the same page about the importance of improving abuse and neglect proceedings. It's an area that needs the efforts of all of us—for Montana's kids.

I mentioned our wonderful CASAs as important participants in last year's summit, and I want all of you to know about the extraordinary help they provide to kids and trial courts in abuse and neglect proceedings. We need more volunteer CASAs and more CASA programs throughout the state. To that end, you have before you a modest budget proposal to expand existing programs and create new ones where they don't yet exist. Montana's kids will benefit greatly by your favorable consideration.

Another major emphasis and accomplishment relating to children has been our improvements in the Youth Courts. We have fully implemented an automated and shared case management system in all Youth Courts, resulting in availability of statistics and data about youths in the Youth Court system. We produced the first-ever "Youth Court Report Card," designed to provide information and accountability to the people of Montana. The District Court Council reallocated some existing Youth Court resources to provide more help to Youth Courts with the greatest need. We still need, however, the very minimal staffing increases for Youth Courts which are contained in our budget proposals. Again, we hope you will give these staffing increases favorable consideration.

Our last major effort involving youths and Youth Courts was to work with the Department of Corrections to modify provisions of the incredibly successful Juvenile Delinquency Intervention Program (called JDIP), in ways agreeable to both the Department and the Judicial Branch. This carefully negotiated legislation is now before you in Senator Shockley's SB 146, and we urge its passage.

The overall vision of state assumption was to allocate state resources to Montana's trial courts on a reliable and systematic basis relying on sound data. Thus, a major, two-part focus within the Judicial Branch over the last two years has been to collect actual data, on an "apples-to-apples" basis, on trial court filings and workload. The first part was the adoption of Uniform Case Filings Standards by the Supreme Court, effective January 1, 2006, after long and careful study and work by the District Court Council. For the first time ever, we will soon share with you the numbers of filings for each District Court on an equal and case-specific basis. The second major component of the data soon available to you is the result of a District Court Workload Assessment Study which explains—in real terms—how much judicial time is spent on each type of case. This careful and process-oriented study grew out of the District Court Council, and was ably led by District Court Judges McKeon, McKittrick, McLean, Curtis, Watters and Tucker, with expertise obtained from the National Center for State Courts. The detailed workload assessment study, together with the results of the uniform case filing standards, will provide an appropriate basis for your serious consideration—in the 2009 Session--of the very real need for more judges in Montana.

In the meantime, we are requesting small additions in FTEs for staffing the District Courts. These modest proposals, for which we respectfully ask your support, will enable Montana trial courts to provide better service to the people of Montana.

Judges, of course, rely heavily on highly competent and motivated employees in addressing their growing caseloads and other judicial obligations, and I can assure you that the District Courts and Youth Courts are chock full of some of the finest public employees in Montana. But we have been dogged since state assumption with large inequities in employee pay which resulted from state assumption. This problem is significant because it affects not

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only employee morale, but our ability to continue to hire and retain quality people to staff our courts. We have repeatedly requested your help on this issue, and we seek it again this session. It is totally unfair to subject our employees—all within one Branch of government—to an inequitable pay system; it is even more unfair when, on top of intra-Branch inequities, Judicial Branch employees whose work is very similar to certain Executive Branch employees, also are paid less than those employees. I urge you to support our budget proposal to finally equalize Judicial Branch employee pay, so the Judicial Branch you effectively created via state assumption can treat its employees like others in state government service.

On another matter closely related to District Court workload and staffing, one thing that became clear during the children's summit was the difficulty trial judges have in meeting the tight statutory timelines required for child abuse and neglect cases, given their heavy caseloads. The same is true with a large number of other statutes that require District Courts to give certain cases priority and meet strict timelines. I know you understand that judges need adequate time to hear, consider and decide cases. So, I respectfully request you to be mindful—as you consider changes to the child abuse and neglect, and other, statutes—that imposing stricter, and shorter, and additional, timelines may result in expectations and requirements of District Courts that simply cannot humanly be met.

Another major Judicial Branch emphasis continues to be information technology and modernization, an area in which we have made great strides. When I became Chief Justice in 2001, Montana courts were operating with what might accurately be characterized as late 1950s technology. You helped us move forward with critically needed funding in 2003 and 2005. That funding, in combination with federal dollars—which I didn't like asking for, but which were so desperately needed by our Branch—allowed us to move parts of our courts to early twenty-first century technology standards. All but the tiniest Courts of Limited Jurisdiction are now served by a modern case management system called FullCourt. The Youth Courts have a shared case management system. The Clerk of the Supreme Court finally has a modern case management system which no longer relies on Word Perfect 5.1. And, importantly, both the Courts of Limited Jurisdiction and the District Courts share a central repository for court data, with catastrophic data back-up, which also allows the courts to share information with other entities such as the Department of Justice.

In addition, with the assistance of Clerks of the District Court in Missoula and Mineral Counties, we have piloted a case management system that will modernize data collection at the District Court level. We must be able to install and implement that system in the other twenty-one Judicial Districts, so that—finally—all of our courts will be on the same twenty-first century technology page at the same time. On a related matter, the Montana Supreme Court has developed and soon will roll out detailed rules addressing public access to court records. Technology truly will lead to greater public access to court records and, consequently, to more transparency and accountability in our Branch.

I'm very proud of what the Judicial Branch has accomplished with regard to information technology and automation in so few years and with limited resources. Our efforts in this arena have been successful because we function as a Branch of government, rather than separate county-based District Courts; and we have been good and careful stewards of public dollars.

For these reasons, I'm comfortable asking for your assistance in finalizing our remaining and necessary technology projects: completing the modernization of District Court case management systems; supporting video conferencing in the District Courts across Montana, with its significant time and cost savings to courts, citizens, local law enforcement and others; and obtaining additional technology-related equipment for our courtrooms. To meet these needs, I respectfully request your strong support for our one-time-only technology proposals in HB 14.

Mentioning courtroom technology needs leads me directly to District Court safety and security. Courthouses and courtrooms are where Montanans come to resolve their legal disputes, and surely Montanans have a right to safe and relatively secure courts. During this past interim, thanks to a partnership with MACO, the Sheriff and Peace Officers' Association and the Department of Justice, we identified many instances where Montana's courthouses and courtrooms are not providing the level of security and safety needed for citizens, staff and judges. Please assist all of our citizens, the courts and the counties in addressing this problem by supporting our modest request for one-time-only safety and security funds.

I have spoken with some pride about our recent accomplishments in improving court systems and services for the people of Montana in the trial courts. I want to recognize and thank each and every one of our District Court Judges and Judges of the Courts of Limited Jurisdiction for their dedicated and high-quality service to the people of Montana. I also simply must recognize and thank our outstanding Judicial Branch employees for their commitment

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to public service and to Montana's citizens.

Last, but certainly not least, I respectfully call your attention to the Montana Supreme Court and its substantial need for additional resources. For those of you who remember, we were on the brink of an intermediate appellate court in Montana at the time you passed state assumption in 2001. That also was the last year in which direct staff for the Supreme Court was added—three law clerks. Since that time, I have given priority to the resource needs of the District Courts, their staffing, and other state assumption matters which were not adequately funded at the outset of state assumption. It was the right thing to do; but the Supreme Court has resource needs as well.

We are one of the most productive high courts in the nation, and it's a good thing. From 1991 through 1995, our caseload increased 2%; from 1996 through 2000, an increase of 20%; from 2001 through 2005, an 11.2% increase. Last year we resolved 736 cases, 352 of them by written opinion. In contrast, the U.S. Supreme Court issues in the neighborhood of 80 to 85 opinions a year.

Your Supreme Court also has spent many hundreds of hours in revising various court rules—including the critically important water court claim examination and adjudication rules needed to “ramp up” the adjudication of water rights after the 2005 Session. Other Supreme Court administrative-related duties also have increased since state assumption. I am proud of our Supreme Court and its commitment to both quality and timely justice for Montanans, at a time of more complex cases, higher caseloads and increased administrative obligations. I believe you and all Montanans rightfully can be proud, too.

On behalf of the people of Montana whose cases too often wait too long for the “end of the legal road,” however, I simply must urge you to provide much-needed additional staff for the Supreme Court. We are requesting 2.5 additional FTE for direct Court staff. 1.5 of those FTE are for a new, in-house appellate mediation program that could resolve a significant portion of our caseload. The other FTE is for a pro se law clerk to significantly decrease the amount of time Justices currently must spend on inmate petitions and other matters involving persons not represented by counsel. Please help us do a better and more timely job for the people of Montana by approving these proposals.

Coming around to complete the circle, I've outlined for you just some of our most significant accomplishments in improving the Judicial Branch in the last two years. Our justices, judges and staff inspire me every day with their dedication and willingness to go the extra miles for our citizens. Together, and with your help, we have made significant improvements. Together, and with your help, we can and will do more.

I recall with pleasure a statement on the floor of this chamber during the last session. A Representative said, “You can't put a price on justice” with regard to adding a judge, staff and operating costs in his county. I ask you all to remember that while—in the real world—it is necessary to put a “cost” on justice, justice is best served through a carefully managed statewide Judicial Branch that has at least minimally adequate resources to meet the needs of all the people of Montana.

Our overall Judicial Branch goals are to ensure that every Montanan can access our courts, so some day we will achieve truly equal justice, and to ensure that the administration of justice is fair, impartial and accountable to the people of Montana we serve. We strive to meet these goals every day.

I'd like to close my formal remarks to this Legislature the same way I did two years ago. I know that—like our Branch—all of you aspire to goals on behalf of your constituents. As elected state level officials, we are all committed to serving our constituents with dignity and giving them the best that is in us. Let's remember together that we are part of the best system of government the world has ever seen—three separate branches with built-in checks and balances, a system that is the envy of people around the world. Let's remember together the sacrifices made to protect our form of government and individual freedoms. If we keep these basic ideas close to our minds and hearts, these will be our proudest moments—and we will have faithfully discharged our duties to the people we all serve.

Please know that the Judicial Branch recognizes your critical role in government and the sacrifices you make in being here; we applaud the work you do. We look forward to working with you in the future and, on behalf on Montana's Justices, Judges and staff, I wish you a productive and successful Sixtieth Legislative Session. Thank you.

Senate reconvened at 1:52 p.m.

Roll Call: Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus,



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Gillan, Hansen, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 43

Nays: Balyeat, Esp, Gebhardt, Jackson, O'Neil, Shockley.

Total 6

Absent or not voting: None.

Total 0

Excused: Harrington.

Total 1

**MOTIONS**

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** moved to **Suspend the Rules.**

Yeas: Bales, Balyeat, Barkus, Black, Brown, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Brueggeman, Cobb, Harrington.

Total 3

**Senator Williams moved to amend Senate Rule S50-170 as follows:**

S50-170. Third reading procedure. (1) ~~At~~ Unless rereferred to a committee by a majority vote after the adoption of the committee of the whole report but before moving to another order of business, all legislation passing second reading must be placed on third reading the day following the receipt of the engrossing or other appropriate printing report.

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

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Excused: Cobb, Harrington.  
Total 2

**MESSAGES FROM THE GOVERNOR**

The first list of board appointments requiring confirmation by the Montana State Senate were presented as follows:

**Board of Aeronautics -- 2-15-2506**

The board is designated as quasi-judicial and consists of nine members as follows: One member/representative each of the Montana pilots' association; Montana Chamber of Commerce; Montana Airport Management Association; Montana Association of Counties or the Montana League of Cities and Towns; Montana Aerial Applicators Association; one person actively engaged in aviation education in Montana; one person representative of interstate commercial airline operators; one person representing the general public; and one person who must at the time of appointment, be an active fixed base operator in this state, or an official of a fixed base operator in this state, of flying services or flying schools.

**Mr. Alexander C. Edwards, 2957 Rimview Drive, Billings MT 59102**

Contact phone(s): 406-256-8155

Appointment date: 1/1/2007; Term ends: January 1, 2011

Qualification: official of a fixed-base operator

Edwards is vice president of Edwards Jet Center and an attorney with the Edwards Law Firm in Billings. He has a bachelor's degree in communications and earned his law degree from the University of Montana.

**Mr. Fred Lark, 414 East Boulevard, Lewistown MT 59457**

Contact phone(s): 406-707-5275

Appointment date: 1/1/2007; Term ends: January 1, 2011

Qualification: public representative

A graduate of Iowa State University, Lark has been active in aeronautics organizations, broadcaster and civic groups and has served on state and local government councils. He currently works for a local radio station in Lewistown.

**Mr. Robert Buckles, 1037 Boylan Rd #10, Bozeman MT 59715**

Contact phone(s): 406-586-5475

Appointment date: 1/1/2007; Term ends: January 1, 2011

Qualification: commercial airlines representative

Buckles is a pilot for American Airlines and has a bachelor's of science degree from Montana State University. A native of eastern Montana and a Native American, he is also a qualified flight instructor.

**Mr. Charles Manning, 389 Point Caroline Rd, Lakeside MT 59922**

Contact phone(s): 406-751-3482 406-844-3369

Appointment date: 1/1/2007; Term ends: January 1, 2011

Qualification: aviation education representative

Manning received his master's degree from Lesley University and currently teaches in Kalispell School District #1. He was chosen as Montana Aviation Educator of the Year in 1997 and has served on the Kalispell city council and local planning board.

**Air Pollution Control Advisory Council -- 2-15-2106**

This council advises the Department of Environmental Quality on air pollution control matters. The 10 members serve at the pleasure of the Governor and the statute requires Senate confirmation of the appointments. Members include representatives of labor, agriculture, the manufacturing industry, the fuel industry, a practicing and licensed physician and veterinarian, a practicing and registered professional chemical or environmental engineer, a

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meteorologist, a conservationist and an urban planning consultant.

**Mr. Chad Doheny, 2490 22nd Ln NE, Dutton MT 59433**

Contact phone(s): 406-627-2296 406-788-4122

Appointment date: 4/6/2006; Term ends: at pleasure

Qualification: agriculture representative

Doheny operates the family farm with his father and brother. He's active in the Montana Farmers Union, Centrol Inc. of Dutton and other community and agricultural organizations.

**Ms. Mary Jane McGarity, PO Box 161471, Big Sky MT 59716**

Contact phone(s): 406-995-4166 406-624-6240

Appointment date: 4/6/2006; Term ends: at pleasure

Qualification: chemical engineer

McGarity has a degree in environmental engineering from Montana Tech. She has been active in the Blue Water Task Force, Greater Gallatin Watershed Council and the Community and Infrastructure Solution Group.

**Mr. Mat Millenbach, 2011 Pryor Lane, Billings MT 59102**

Contact phone(s): 406-698-0628 406-245-4059

Appointment date: 4/6/2006; Term ends: at pleasure

Qualification: conservationist

Millenbach earned a bachelor's degree in forestry from Michigan State University. He's worked for the Bureau of Land Management and as a natural resource consultant.

**Mr. Richard Southwick, 173 Cottonwood Rd, Townsend MT 59644**

Contact phone(s): 406-266-5096

Appointment date: 4/6/2006; Term ends: at pleasure

Qualification: fuel industry representative

Southwick is the permitting manager for Great Northern Power Development LP and previously was an air quality specialist for the Montana Department of Environmental Quality.

**Ms. Felicity McFerrin, 4318 Jim Town Road, Helena MT 59602**

Contact phone(s): 406-442-9964 406-475-3214

Appointment date: 4/6/2006; Term ends: at pleasure

Qualification: labor representative

McFerrin has a bachelor's of science degree from the University of Montana-Dillon and is currently the training director for the Laborers AGC Training Program.

**Mr. Neil Turnbull, PO Box 404, Brockton MT 59213**

Contact phone(s): 406-787-6616 406-790-6616

Appointment date: 4/6/2006; Term ends: at pleasure

Qualification: manufacturing industry representative

Turnbull is the manager of Montola, an oilseed processing facility. He has a master's degree in economics from the University of Idaho and has served on governmental councils dealing with agriculture.

**Mr. Mike Machler, 771 Topaz Ave, Billings MT 59105**

Contact phone(s): 406-896-1723

Appointment date: 4/6/2006; Term ends: at pleasure

Qualification: meteorologist

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Machler has over 20 years' experience in environmental project management and data analysis. He has been employed by GeoResearch, Inc. and the state of Montana. He earned his bachelor's of science degree from the University of Utah.

**Dr. Leonard Bauer, Ashland Community Health Center PO Box 47, Ashland MT 59003**

Contact phone(s): 406-784-2346

Appointment date: 4/6/2006; Term ends: at pleasure

Qualification: physician

Bauer has a Doctorate of Medicine from Stanford University School of Medicine. He practices at the Ashland Community Health Center and is a member of the American Board of Family Practice.

**Mr. Michael Barton, 825 Ronald, Missoula MT 59801**

Contact phone(s): 406-258-3874 406-728-7504

Appointment date: 4/6/2006; Term ends: at pleasure

Qualification: urban planner

Barton is a senior planner with the Missoula Office of Planning and Grants. He has a bachelor's of arts degree from Boston University.

**Dr. Linda Dworak, PO Box 1663, Hamilton MT 59840**

Contact phone(s): 406-363-6489

Appointment date: 4/6/2006; Term ends: at pleasure

Qualification: veterinarian

Dworak earned her Doctorate of Veterinary Medicine degree from Washington State University, and also holds a Doctorate of Philosophy in virology/immunology/microbiology from the University of Illinois.

**Alternative Health Care Board -- 2-15-1730**

The board is designated as a quasi-judicial board per MCA 2-15-124 (although an attorney-member is not required) and consists of six members. Statute requires appointment of two persons from each of the health care professions regulated by the board who have been actively engaged in the practice of their respective professions for at least 3 years preceding appointment to the board; one public member who is not a member of a profession regulated by the board; and one member who is a Montana physician whose practice includes obstetrics. The members must have been residents of this state for at least 3 years before appointment to the board and serve staggered 4-year terms.

**Ms. Molly Danison, 541 Rollins, Missoula MT 59801**

Contact phone(s): 406-721-0265 406-721-0265

Appointment date: 11/4/2005; Term ends: September 1, 2007

Qualification: midwife

Danison has been a licensed midwife in Montana since 1994.

**Mary Anne Brown, 1410 3rd Ave N, Great Falls MT 59401**

Contact phone(s): 406-727-0550 406-761-6339

Appointment date: 10/24/2006; Term ends: September 1, 2010

Qualification: midwife

Brown has been licensed as a midwife in Montana since 1999.

**Mr. Tom Mensing, 11 Beavertail Road, Red Lodge MT 59068**

Contact phone(s): 406-446-2033

Appointment date: 10/24/2006; Term ends: September 1, 2010

Qualification: public representative

Mensing is a retired public employee with experience in health care regulation.

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**Board of Architects -- 2-15-1761**

The board consists of four members who have been Montana residents for 4 years prior to appointment. The members must include two registered architects who have been in continuous practice for 3 years before their appointment; one registered architect from the staff of MSU-Bozeman School of Architecture; and one public member not engaged in, or directly connected with, the practice of architecture. Members serve 3-year terms.

**Mr. Bayliss Ward, 202 W Main St Ste 202, Bozeman MT 59715**

Contact phone(s): 406-586-5007 406-581-5831

Appointment date: 5/5/2005; Term ends: March 27, 2008

Qualification: registered architect with three years continuous practice

Ward is principal and founder of Bayliss Architects, P.C., and worked on small and large scale commercial projects. He's licensed in Montana, Wyoming, Nevada and Idaho.

**Mr. James G. Shepard, 13 N 23rd St, Billings MT 59101**

Contact phone(s): 406-248-7455

Appointment date: 5/18/2006; Term ends: March 27, 2009

Qualification: registered architect with three years continuous practice

Shepard is a senior partner/principal with CTA Architects Engineers, specializing in healthcare design. He is licensed in Montana, Wyoming and South Dakota.

**Board of Athletics -- 2-15-1772**

The board consists of five members who serve staggered 3-year terms. A member may not serve more than four consecutive terms.

**Ms. Jana Smith-Streitz, 3225 Burlington St, Butte MT 59701**

Contact phone(s): 406-444-6888 406-579-2672

Appointment date: 11/22/2005; Term ends: April 25, 2008

Qualification: public representative

Smith-Streitz graduated from Montana State University with a bachelor's of science degree, majoring in health and human development. She played on the Lady Bobcats basketball team, and is a Salish-Kootenai descendent. She currently works for the Montana Breast and Cervical Health program.

**Mr. John Paul Noyes, 301 Main St, Kalispell MT 59901**

Contact phone(s): 406-755-8555 406-261-3223

Appointment date: 11/22/2005; Term ends: April 25, 2008

Qualification: public representative

Noyes has a bachelor's of arts degree in philosophy from the University of Montana. He was a student athlete at UM and now owns the Big Sky Martial Arts Inc. Noyes is active in the martial arts field, including serving as head coach for the junior Olympic team in Montana. He was inducted into the Martial Arts Hall of Fame in 2004.

**Mr. Don Vegge, 4403 Harvest Lane, Billings MT 59106**

Contact phone(s): 406-657-8281 406-656-8445

Appointment date: 4/25/2006; Term ends: April 25, 2009

Qualification: public representative

Vegge is retired from the Billings Police Department and currently serves as a code enforcement officer for the City of Billings. He previously served on the Board of Private Security and Patrol Officers and was originally appointed to the Board of Athletics in 2003.

**Ms. Jamie Jones, 4224 5th Ave N, Great Falls MT 59405**

Contact phone(s): 406-453-6796

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Appointment date: 8/18/2006; Term ends: April 25, 2007

Qualification: public representative

Jones is active in amateur boxing, serving as secretary of the Electric City Amateur Boxing Club and in various capacities for USA Boxing-Montana. She is a registered official for amateur boxing, including time keeper and judge, and has officiated at local state and regional tournaments.

**Board of Banking -- 2-15-1025**

The six-member board must be appointed with consideration given to banks of small, medium, and large size and to geographical distribution. Two of the six members must be active officers in state banks of Montana; one must be an active officer of a national bank doing business in Montana; and three must be members of the public, none of whom is an officer, director, or shareholder of any state or national bank. The staggered terms are 3 years in length, and members may not serve more than two consecutive terms.

**Mr. John King, PO Box 7250, Kalispell MT 59904**

Contact phone(s): 406-755-4271

Appointment date: 8/3/2005; Term ends: July 1, 2008

Qualification: state bank officer, small size bank

King is president and CEO of Three Rivers Bank of Montana. He has served on numbers boards associated with the banking industry, along with many civic organizations. He has a bachelor's of science degree from Montana State University-Billings.

**Ms. Carolyn Colman, PO Box 247, West Yellowstone MT 59758**

Contact phone(s): 406-646-9500

Appointment date: 8/3/2005; Term ends: July 1, 2008

Qualification: public representative

Colman retired from First State Bank of Fort Benton, where she worked for 18 years. She served as mayor of West Yellowstone and is active in many state and community groups. She has received several awards for her community involvement.

**Mr. Jon Redlin, 33348 County Rd 128, Lambert MT 59243**

Contact phone(s): 406-433-8628 406-774-3713

Appointment date: 8/14/2006; Term ends: July 1, 2009

Qualification: state bank officer, large size bank

Redlin is the vice president of Stockman Bank of Montana. He has a bachelor's of science degree from Southwest State University in Marshall, Minnesota, majoring in agri-business/finance. Redlin has also served as a director of the Farmers Union Mutual Insurance Company and the Montana Grain Company.

**Mr. Russ Ritter, 430 Tamarack, Helena MT 59601**

Contact phone(s): 406-442-4046

Appointment date: 8/14/2006; Term ends: July 1, 2009

Qualification: public representative

Ritter has a master's degree in history and political science from the University of Montana. He served as city commissioner mayor pro-tem of Helena and has been active in the Chamber of Commerce and many other civic and community organizations.

**Board of Barbers and Cosmetologists -- 2-15-1745**

The board consists of nine members who serve 5-year terms. Three licensed cosmetologists, one licensed electrologist, esthetician, or manicurist, three licensed barbers and two public members (not engaged in the practice of barbering, cosmetology, electrology, esthetics, or manicuring) are required. The professional members must have been a resident of this state for at least 5 years and been actively engaged in the profession for at least 5 years immediately prior to appointment. Not more than two members of the board may be members of or

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affiliated with a school. If qualified applicants aren't found for the barber or cosmetologist positions, licensed cosmetologists, electrologists, estheticians, manicurists and barbers may be appointed to fill the position.

**Ms. Maxine Collins, 112 E 6th Ave, Helena MT 59602**

Contact phone(s): 406-442-1107

Appointment date: 10/13/2005; Term ends: October 1, 2008

Qualification: manicurist

Collins is the owner of Nails and Company and has been a licensed nail professional for nearly 20 years.

**Ms. Delores Lund, 815 Paul Ln, Plentywood MT 59254**

Contact phone(s): 406-765-1666

Appointment date: 10/13/2005; Term ends: October 1, 2008

Qualification: public representative

Lund was first appointed to the Board of Barbers, before it merged with the Board of Cosmetologists. She has served as chair of the board's screening panel.

**Ms. Maggie Burton-Blize, 8685 St. Vrain Way, Missoula MT 59808**

Contact phone(s): 406-728-3800

Appointment date: 1/31/2006; Term ends: October 1, 2007

Qualification: barber

Burton-Blize is a barber-stylist and owner of Burtello Salon. She received her certification from a barber school in St. Paul, Minnesota.

**Ms. Karan Charles, 321 Main, Miles City MT 59301**

Contact phone(s): 406-232-5940

Appointment date: 11/14/2006; Term ends: October 1, 2011

Qualification: barber

Charles has owned and operated a barber shop for the past 23 years, and is a graduate of the Big Sky Barber School.

**Ms. Juanita Mace, 4950 Anna Circle, Billings MT 59106**

Contact phone(s): 406-652-8420

Appointment date: 11/14/2006; Term ends: October 1, 2011

Qualification: cosmetologist

Mace is a cosmetology instructor with the Academy of Nail, Skin and Hair. She has a certificate from the Cosmetology Educators of America.

**Board of Chiropractors -- 2-15-1737**

The board consists of four members serving 3-year terms. Three members must be practicing chiropractors who have practiced chiropractic continuously in this state for at least 1 year. No two members may be graduates of the same school or chiropractic college. One member must be a representative of the public who is not engaged in chiropractic practice. No member may be appointed for more than two consecutive terms.

**Dr. John Sando, 22 W Front St, Butte MT 59701**

Contact phone(s): 406-782-0429

Appointment date: 3/17/2006; Term ends: January 1, 2009

Qualification: practicing chiropractor with at least one year experience

Sando is a graduate of the Northwestern College of Chiropractic and has been a licensed chiropractor in Montana since 1986. He's active in the Montana Chiropractic Association (4 years as president). Sando has been chair of the Butte Chamber of Commerce and has been involved in other civic organizations.

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**Ms. Lucy Heger, 405 E Summit St, Livingston MT 59047**

Contact phone(s): 406-222-1102

Appointment date: 3/17/2006; Term ends: January 1, 2009

Qualification: public representative

Heger is a consumer of chiropractic services and represents the public on the board.

**Clinical Laboratory Science Practitioners -- 2-15-1753**

The board is a quasi-judicial board under MCA 2-15-124 (except an attorney-member is not required). It's composed of five members who serve staggered, 4-year terms, and have been residents of this state for at least 2 years prior to appointment and who are actively engaged in their respective practices. Members are: one physician who is qualified to direct a high complexity laboratory as provided for in the federal clinical laboratory regulations set forth in 42 CFR part 493; three clinical laboratory science practitioners who, except for the initial appointments, hold active licenses as clinical laboratory science practitioners in Montana; and one public member who is not associated with or financially interested in the practice of clinical laboratory science.

**Dr. Thomas Bennett, 2900 12th Ave N Ste 260W, Billings MT 59101**

Contact phone(s): 406-238-6373

Appointment date: 11/7/2005; Term ends: April 16, 2009

Qualification: doctor of medicine qualified to direct a high complexity laboratory

Bennett has held a Montana medical license since 1998 and is a practicing physician in addition to being an author, guest lecturer and expert witness on forensic pathology and medicine. He's an associate Montana state medical examiner and serves on numerous community boards, including St. Vincent Healthcare Foundation and Rocky Mountain College.

**Ms. Wendy Palmer, PO Box 207, Raynesford MT 59469**

Contact phone(s): 406-727-2212 406-738-4476

Appointment date: 11/7/2005; Term ends: April 16, 2009

Qualification: clinical laboratory science practitioner

Palmer is a clinical laboratory scientist with the American Red Cross. She received her certificate from St. Luke's Presbyterian-Denver School of Medicine. Palmer is active in her local church and has served on the local school board as a member and chairperson.

**Board of Dentistry -- 2-15-1732**

The board consists of 10 members: Five dentists, one denturist, two dental hygienists, and two public members, one of whom must be a senior citizen. Each professional member must be licensed in the profession and have actively practiced in this state for at least 5 continuous years immediately before the appointment, and must be actively engaged in practice while serving on the board. Each member must be a resident of this state. Each member shall serve for a term of 5 years.

**Dr. Mark Colonna, 6516 Highway 93 S, Whitefish MT 59937**

Contact phone(s): 406-862-1010 406-249-2343

Appointment date: 5/30/2006; Term ends: March 29, 2011

Qualification: licensed dentist with at least 5 years experience

Colonna has been licensed to practice dentistry since 1993, and received his medical education from Loyola University. He established the Montana Center for Laser Dentistry in 2001 and has developed dental instruments to eliminate the use of drills. Colonna trains new laser users through training seminars and courses.

**Ms. Jennifer Porter, 400 Buckhorn Tr, Bozeman MT 59718**

Contact phone(s): 406-586-1536

Appointment date: 5/30/2006; Term ends: March 29, 2009

Qualification: dental hygienist



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Porter was an honors graduate in dental hygiene from the Mt. Hood Dental Hygiene School. She is active in the Montana Dental Hygienists' Association (newsletter editor and president among other positions) and has been licensed since 1998. She received the MDHA community leadership award for Bozeman.

**Ms. Laura Germann, 232 FAS 254, Glendive MT 59330**

Contact phone(s): 406-687-1990 406-234-3812

Appointment date: 5/30/2006; Term ends: March 29, 2011

Qualification: public representative

Germann is a school psychologist with the Miles City Schools and received her master's degree in education from Montana State University in counselor education.

**Fish, Wildlife and Parks Commission -- 2-15-3402**

The commission is designated as a quasi-judicial board (although an attorney-member is not required) and consists of five members. At least one member must be experienced in the breeding and management of domestic livestock. Members come from one of five geographic districts, and appointments must be made without regard to political affiliation and must be made solely for the wise management of the fish, wildlife, and state parks and other outdoor recreational resources of this state. Appointees must be informed or interested and experienced in the subject of wildlife, fish, parks, and outdoor recreation and the requirements for the conservation and protection of wildlife, fish, parks, and outdoor recreational resources.

**Mr. Dan Vermillion, 315 E Lewis, Livingston MT 59047**

Contact phone(s): 406-222-0624 406-222-3535

Appointment date: 1/4/2007; Term ends: January 1, 2011

Qualification: District 2

Vermillion is vice president and co-owner of Sweetwater Travel Company, and founder and developer of Taimen Conservation Fund in Ulaanbaatar, Mongolia. He worked as an attorney in Billings for close to a decade. Vermillion received his law degree from the University of Montana.

**Mr. Willie Doll, PO Box 1142, Malta MT 59538**

Contact phone(s): 406-658-2120

Appointment date: 1/4/2007; Term ends: January 1, 2011

Qualification: District 4, experience with breeding and management of domestic livestock

Doll owns and operates a 27,000 acre farm and ranch in south Phillips County, with 800 mother cows. He is an avid hunter and has an active interest in streamside management, improved range conditions and waterfowl production areas.

**Board of Funeral Service -- 2-15-1743**

The board consists of six members appointed by the governor who serve staggered 5-year terms. Three members must be licensed morticians. One member must be a representative of the public who is not engaged in the practice of mortuary science or funeral directing. One member must be a licensed crematory operator or crematory technician or a mortician who is engaged in a crematory operation. One member must be a representative of a cemetery company governed by Title 37, chapter 19, part 8.

**Mr. Thomas Meeks, PO Box 2434, Great Falls MT 59403**

Contact phone(s): 406-453-3847

Appointment date: 11/3/2005; Term ends: July 1, 2010

Qualification: crematory operator

Meeks is manager of the Hillcrest Lawn Mausoleum and Crematory. He's a veteran of the U.S. Navy and an enrolled member of the Blackfeet Nation. Meeks is a member of both the Montana Funeral Directors Association and the Cremation Association of North America.

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**Board of Hail Insurance -- 2-15-3003**

The board consists of five members including the state auditor, the director of agriculture, who is secretary of the board, and three other members. The terms of office are for three years.

**Ms. Trudy Laas Skari, PO Box 306, Chester MT 59522**

Contact phone(s): 406-759-5505 406-292-3660

Appointment date: 11/15/2006; Term ends: April 18, 2009

Qualification: public member

Laas-Skari is a Chester farmer and former county commissioner (1989-1995). She's a former K-8 art teacher and has also served as director of the Liberty Village Arts Center. She currently is a substitute teacher and also a floral designer.

**Hard Rock Mining Impact Board -- 2-15-1822**

The board is designated as a quasi-judicial board (although an attorney-member is not required) and consists of five members. Three members must come from impact areas or areas expected to be impacted by large-scale mineral development and at least two persons must come from one of each district designated by statute. Further, members must include a representative of the hard-rock mining industry, a representative of a major financial institution, an elected school district trustee, an elected county commissioner and a member of the public.

**Ms. Marianne Roose, PO Box 2012, Eureka MT 59917**

Contact phone(s): 406-293-7781

Appointment date: 1/4/2007; Term ends: January 1, 2011

Qualification: public representative and a resident of district 1/impact area

Roose became a county commissioner in 1997 and previously was employed by Lincoln County as an office manager and court clerk.

**Mr. Shain Wolstein, 2115 George St, Butte MT 59701**

Contact phone(s): 406-490-9657

Appointment date: 1/4/2007; Term ends: January 1, 2011

Qualification: school trustee and a resident of district 1/impact area

Wolstein is a program coordinator for the American Red Cross of Montana and serves as a school trustee for Butte School District #1.

**Board of Hearing Aid Dispensers -- 2-15-1740**

The board consists of seven members who serve staggered 3-year terms. The members are: one member who holds, or is eligible for, a certificate of qualification from the American Board of Otolaryngology; two members, each of whom has been a licensed hearing aid dispenser for at least 5 years, possesses national certification in Audiology, and has a master's level college degree; two members, each of whom does not hold a master's level college degree in Audiology but has been a licensed dispenser and fitter of hearing aids for at least 5 years before being appointed to the board; two public members, each of whom is not in the hearing health field and one of whom regularly uses a hearing aid due to demonstrated hearing impairment. A member may not be reappointed within 1 year after the expiration of the member's second consecutive full term.

**Dr. Stephen Kramer, PO Box 37000, Billings MT 59101**

Contact phone(s): 406-238-2500

Appointment date: 5/18/2005; Term ends: July 10, 2007

Qualification: Otolaryngologist

Kramer received his medical degree from Tufts University in Boston. He served in the Air Force as a medical officer, surgeon and otolaryngologist. He's been in private practice at Billings Clinic. A published author, Kramer also lectures on medical topics in his specialty. He belongs to several medical associations and academies.

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**Ms. Lee Frantz Oines, 524 Benton Ave, Missoula MT 59801**

Contact phone(s): 406-549-1951 406-542-3625

Appointment date: 1/27/2006; Term ends: July 1, 2008

Qualification: dispenser with master's degree and national certification

Oines is an audiologist with Missoula Hearing Inc. She received her master's in audiology from the University of Colorado. She's a member of the Montana Speech-Language-Hearing Association and the American Academy of Audiology.

**Mr. Herbert Winsor, PO Box 1103, Helena MT 59624**

Contact phone(s): 406-443-3050

Appointment date: 1/27/2006; Term ends: July 1, 2008

Qualification: public representative with hearing aid

Winsor is a self-employed carpenter. He graduated from the University of Nebraska with a BA in history. He's a member of the Vietnam Veterans of America and Citizens for Healthy Helena.

**Mr. Steve Wilson, 1338 11th Ave, Suite C, Helena MT 59601**

Contact phone(s): 406-457-1205

Appointment date: 11/20/2006; Term ends: July 1, 2009

Qualification: hearing aid dispenser (no master's)

Steve Wilson has been a hearing aid dispenser in Montana since 1987. He has worked for various companies and now owns the Helena Hearing Center.

**Mr. Brian Bolenbaugh, 715 Kensington Av Ste 4, Missoula MT 59801**

Contact phone(s): 406-543-5690

Appointment date: 11/20/2006; Term ends: July 1, 2009

Qualification: hearing aid dispenser (no master's)

Bolenbaugh is a hearing aid dispenser with Miracle-Ear Center. He's been a dispenser for 25 years and is a member of both the Montana and International Hearing Societies. He was originally licensed as a dispenser in 1981 and has been board certified since 1988.

**Ms. Jill Davis, 50 Pheasant Ln, Great Falls MT 59404**

Contact phone(s): 406-771-4311 406-452-9243

Appointment date: 11/20/2006; Term ends: July 1, 2009

Qualification: public representative

Davis is the Director of Disability Services for MSU-College of Technology. She has a master's degree in rehabilitation counseling from the University of Iowa, and is a member of the Association of Higher Education and Disability, and the Montana Association for Rehabilitation.

**Montana Historical Society Board of Trustees -- 22-3-104**

The board has 15 trustees who serve staggered, 5-year terms. The Governor is encouraged to use geographical diversity in making appointments, while appointing trustees who have an interest in the Montana Historical Society, who are fit to discharge their duties and are willing to devote time and effort in the public interest. One member shall be a recognized historian and one member shall be a recognized archaeologist.

**Mr. James W. Murry, 34 Ambush Ridge, Clancy MT 59634**

Contact phone(s): 406-933-8536

Appointment date: 7/13/2005; Term ends: July 1, 2010

Qualification: public member

Murry retired in 1997, after serving as the first executive director of the Institute for Career Development in Merrillville, Indiana. Prior to that, he was executive secretary of the Montana State AFL-CIO from 1968-1991. He's served as an appointee to numerous boards, including those dealing with economic development and worker

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training, workers' compensation and the Constitutional Revision Commission. He has also served on the Montana Committee for the Humanities and the Board of Labor Appeals.

**Ms. Shirley Groff, 3106 Floral Blvd, Butte MT 59701**

Contact phone(s): 406-494-5014

Appointment date: 7/13/2005; Term ends: July 1, 2010

Qualification: public member

Groff is a retired teacher, and active in the Daughters of the American Revolution, both at the state and national level, and has also served as an officer of the Sons and Daughters of Montana Pioneers. Groff is also involved with the Montana Mining Museum, the Mai Wah Museum, the Butte Historical Society and the Museum of the Rockies.

**Mr. Steve Lozar, 4189 Rocky Point Rd, Polson MT 59860**

Contact phone(s): 406-883-9218 406-883-5662

Appointment date: 7/13/2005; Term ends: July 1, 2007

Qualification: public member

Lozar is on the Tribal Council of the Confederated Salish and Kootenai Tribes. He earned a bachelor's degree in anthropology from the University of Hawaii-Manoa and studied graduate courses in anthropology at San Diego State University. He's a small business owner and a professor of anthropology at Salish Kootenai College. He's involved in many community and civic groups, including the Rural Fire board, the Red Cross and the YMCA.

**Mr. John G. Lepley, PO Box 535, Fort Benton MT 59442**

Contact phone(s): 406-622-5316 406-622-3278

Appointment date: 7/13/2005; Term ends: July 1, 2010

Qualification: public member

Lepley is the Executive Director of the Montana Agricultural Center and Museum. He has a master's degree in biology from the University of Montana, and has also served on the Montana Lewis and Clark Commission.

**Ms. Katherine Lee, 103 N Douglas, Glendive MT 59330**

Contact phone(s): 406-365-3207

Appointment date: 1/11/2006; Term ends: July 1, 2007

Qualification: public member

Lee is the owner/operator of a family bed and breakfast in the 1907 Krug Mansion, which she and her husband rehabilitated. An attorney, Lee has been a city judge and also worked as the public relations and marketing director for Dawson Community College. She's also served on the Dawson Community College Board, the Glendive Area Chamber of Commerce and Agriculture, and is a life member of the Frontier Gateway Museum, as well as other community activities.

**Mr. Jim Court, 18 Heatherwood Ln, Billings MT 59102**

Contact phone(s): 406-259-5099

Appointment date: 1/11/2006; Term ends: July 1, 2009

Qualification: public member

Court is a retired federal government employee, which included service as the superintendent of Custer Battlefield and other assignments in the National Park Service. He received his bachelor's degree in forest recreation from Colorado State University, and served on the city council in Kemmerer, Wyoming. He is involved with the Yellowstone Corral of Westerners and the Custer Battlefield Preservation Committee.

**Mr. Kent Kleinkopf, 3010 Spurgin Rd, Missoula MT 59804**

Contact phone(s): 406-721-9320

Appointment date: 1/11/2006; Term ends: July 1, 2007

Qualification: public member

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Kleinkopf is vice president of Life Care Services. He graduated from the University of Idaho with a history and business degree, and taught economics and sociology in high school. He has a master's degree in economics, which he received from the University of Utah. Kleinkopf had various assignments during the Anderson and Judge administrations, including serving as a department director.

**Mr. Thomas Nygard, 135 E Main St, Bozeman MT 59715**

Contact phone(s): 406-587-8279

Appointment date: 7/1/2006; Term ends: July 1, 2011

Qualification: public member

Nygard is the owner of Thomas Nygard Gallery and is also a rancher. He's been a member of the Montana History Foundation for 10 years, which includes service in positions of leadership. Nygard specializes in western art and is a member of the Fine Art Dealers Association. He has a degree in film and television production from Montana State University.

**Ms. Crystal Wong Shors, 735 Breckenridge, Helena MT 59601**

Contact phone(s): 406-442-7887 406-442-6244

Appointment date: 7/1/2006; Term ends: July 1, 2011

Qualification: public member

Shors is an antiques dealer and estate sale manager and owns Missouri River Chronicle Antiques. She attended the University of Montana and has served on the boards of the Original Governor's Mansion, the Helena Area Habitat for Humanity and the All Nations Festival during the statehood centennial.

**Mr. George Horse Capture, 724 7th Ave S, Great Falls MT 59405**

Contact phone(s): 406-452-5856

Appointment date: 7/1/2006; Term ends: July 1, 2011

Qualification: public member

Horse Capture recently retired from the Smithsonian Institution in Washington, D.C. He is a published author with his work appearing in many periodicals and books, including The Last Best Place, Rocky Mountain Magazine, The American West and more. He's received numerous awards and grants for his work, including an Honorary Doctorate of Letters from Montana State University-Bozeman.

**Board of Horseracing -- 2-15-3106**

The board consists of seven members, who serve staggered 3-year terms, and who must be citizens, residents, and qualified electors. Two board members must be in the horseracing industry and may not represent the same district. The other five members are appointed by district as defined in the statute, and may not be in the horseracing industry. A member of the board may not wager at any licensed racing meet in this state. The governor may not appoint any member who would have a conflict of interest during the member's term of appointment (with the exception of the industry representatives).

**Mr. Robert G. Brastrup, P.O. Box 670, Townsend MT 59644**

Contact phone(s): 406-266-3872

Appointment date: 6/15/2005; Term ends: January 20, 2008

Qualification: resident of District 4

Brastrup is a retired County Extension Agent who received his MS in Agricultural Education from Montana State University-Bozeman. He has been active in 4-H, along with many rural and agricultural boards.

**Mr. Mike Tatsey, PO Box 553, Valier MT 59486**

Contact phone(s): 406-472-3398

Appointment date: 5/30/2006; Term ends: January 20, 2009

Qualification: resident of District 3

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Tatsey is a rancher, who is involved in rodeo. He has served as president of the United Indian Rodeo Association, District 3 and is involved with the St. Mary Rehabilitation Working Group.

**Ms. Mary Ogdahl, Pine Hills HC 30, Miles City MT 59301**

Contact phone(s): 406-232-0048

Appointment date: 5/30/2006; Term ends: January 20, 2009

Qualification: resident of District 1

Ogdahl is a rancher and an artist. She has worked riding thoroughbreds on Southern California tracks as well as a prominent farm. Her family was also involved in Montana's horse racing industry.

**Human Rights Commission -- 2-15-1706**

The commission is designated as a quasi-judicial commission and consists of five members.

**Ms. Maria Beltran, 1488 Ash Street, Worden MT 59088**

Contact phone(s): 406-248-4870 406-967-4126

Appointment date: 1/1/2007; Term ends: January 1, 2009

Qualification: public representative

Beltran works for the Montana Legal Services Association as an attorney and earned her JD from the University of Montana.

**Ms. Emorie Davis-Bird, P O Box 338, East Glacier Park MT 59434**

Contact phone(s): 406-338-7521 406-226-4257

Appointment date: 1/1/2007; Term ends: January 1, 2009

Qualification: public representative

Bird received her MPA from the University of Montana, and is currently the Chief Operating Officer of the Blackfeet Tribe. She is active in numerous groups, including the Blackfeet Housing Authority. She also was a WICHE scholar.

**Mr. Steve Fenter, 2219 Remington Sq, Billings MT 59102**

Contact phone(s): 406-256-1088

Appointment date: 1/1/2007; Term ends: January 1, 2011

Qualification: public representative

Fenter is a board member of AAA Mountain West. He is a retired senior vice president of Wells Fargo Private Client Services, and worked in the banking and financial industry for a number of years. An army veteran, he has served on many local and state boards and councils.

**Mr. Ryan Rusche, P.O. Box 27, Wolf Point MT 59201**

Contact phone(s): 406-768-3035 406-392-5582

Appointment date: 1/1/2007; Term ends: January 1, 2011

Qualification: public representative; Chair

Rusche received his JD from the University of Montana and his BA from Carroll College. He worked as a private practice attorney prior to being elected as County Attorney for Roosevelt County. He is active in the Immaculate Conception Church and was originally appointed to the Commission in 2003.

**Board of Labor Appeals -- 2-15-1704**

The board is designated as a quasi-judicial board and consists of three members of the public who are not employees of the state government.

**Mr. Jack Calhoun, 556 Hillsdale St, Helena MT 59601**

Contact phone(s): 406-442-7059

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Appointment date: 1/1/2007; Term ends: January 1, 2011

Qualification: public representative

Calhoun has been an arbitrator since 1982. He received his BA in economics from San Diego State University, and attended the California Western University School of Law. He worked as a personnel-labor relations officer and in mediation-arbitration for the state of Montana. He is a member of professional groups, including the Federal Mediation and Conciliation Service and the Montana and American Arbitration Associations.

**Board of Medical Examiners -- 2-15-1731**

The board consists of 11 members who are United States citizens and who serve staggered 4-year terms. The members are: five members having the Degree of Doctor of Medicine (not more than one from the same county); one member having the Degree of Doctor of Osteopathy; one member who is a licensed podiatrist; one member who is a licensed nutritionist; one member who is a licensed physician's assistant; and two members of the general public who are not medical practitioners. Members (except for public members) must have been licensed and practiced medicine or dietetics-nutrition in Montana for at least 5 years and must have been a resident of this state for at least 5 years.

**Dr. Kris Spanjian, 8600 Angus Ave, Billings MT 59106**

Contact phone(s): 406-254-0707 406-669-3859

Appointment date: 4/29/2006; Term ends: September 1, 2006

Qualification: Doctor of Medicine

Spanjian received her medical degree from Dartmouth Medical School and is currently an anesthesiologist for the adult intensive care unit at St. Vincent Healthcare in Billings. She is the Chair for the Department of Anesthesia and has been the president for the Montana Society of Anesthesiologists, and a state delegate to the American Society of Anesthesiologists.

**Mr. Dwight Thompson, PO Box 684, Harlowton MT 59036**

Contact phone(s): 406-632-4343 406-632-5864

Appointment date: 4/29/2006; Term ends: September 1, 2009

Qualification: licensed physician assistant

Dwight graduated from the physician assistant training program at the University of Washington and is currently a physician assistant in a rural health clinic and critical access hospital. He has been involved in teaching EMT classes, and has participated in a variety of community groups.

**Ms. Pat Bollinger, 1733 E Broadway, Helena MT 59601**

Contact phone(s): 406-449-8400 406-443-0134

Appointment date: 4/29/2006; Term ends: September 1, 2009

Qualification: Nutritionist

Pat graduated from the Medical College of Virginia with her major studies in dietetics. She has been licensed to practice nutrition in Montana since 1988. She has held the position of secretary, continuing education chair and president for the Montana Dietetic Association.

**Ms. Carole Erickson, 7102 Siesta Dr, Missoula MT 59802**

Contact phone(s): 406-549-5979

Appointment date: 4/29/2006; Term ends: September 1, 2009

Qualification: public representative

Erickson is a retired healthcare administrator, which included developing patient relation programs. She helped to develop the International Heart Institute of Montana Foundation. She served as the first chair of the Oncology/Hematology Assembly, and was a public member for the Board of Radiology Technologists.

**Ms. Sonia Gomez, 341 Wyoming Ave, Billings MT 59101**

Contact phone(s): 406-256-5139

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Appointment date: 4/29/2006; Term ends: September 1, 2009

Qualification: public representative

Gomez worked for a nonprofit health care advocacy group before going to work for Aveda.

**Dr. Anna Earl, 418 W Monroe, Chester MT 59522**

Contact phone(s): 406-759-5194

Appointment date: 10/6/2006; Term ends: September 1, 2010

Qualification: Doctor of Medicine

Earl graduated from the University of Texas Medical School at Houston in 1995 and has been a board certified family physician in Chester for the past nine years. She did her residency at Swedish Hospital in Seattle, and currently is Chief of Staff at Liberty County Hospital. Earl is on the Montana Rural Healthcare Performance Improvement Network and the Sletten Cancer Board.

**Dr. Michael LaPan, 214 14th Ave SW Ste 103, Sidney MT 59270**

Contact phone(s): 406-488-2241

Appointment date: 10/6/2006; Term ends: September 1, 2010

Qualification: Podiatrist

LaPan received his medical degree from the New York College of Podiatric Medicine in 1987, and has practiced podiatric medicine in eastern Montana since 1993. He has served on the medical staff at the Sidney Health Center and was elected Chief of Staff for the hospital. LaPan held the rank of major in the U.S. Army reserve.

**Dr. Arthur Fink, 107 Dillworth, Glendive MT 59330**

Contact phone(s): 406-345-8910

Appointment date: 10/6/2006; Term ends: September 1, 2010

Qualification: Osteopath

Fink graduated from the University of Health Sciences, College of Osteopathic Medicine in Kansas City. He has practiced internal medicine in Glendive since 1994, and worked in hospital administration and management consulting prior to medical school. He's a member of the state and national Osteopathic Medical Associations, and coauthored The Respiratory Therapist as Manager.

**Board of Nursing -- 2-15-1734**

The board consists of nine members who serve staggered 4-year terms, limited to two consecutive terms. Of the appointees, four are registered professional nurses, at least one must have had at least 5 years in administrative, teaching, or supervisory experience in one or more schools of nursing, at least one must be an advanced practice registered nurse, at least one must be engaged in nursing practice in a rural health care facility, and at least one must be currently engaged in the administration, supervision, or provision of direct client care. Each member who is a registered professional nurse must: be a graduate of an approved school of nursing; be a licensed registered professional nurse in this state; have had at least 5 years' experience in nursing following graduation; and be currently engaged in the practice of professional nursing and have practiced for at least 5 years. Three members are practical nurses, who must: be a graduate of a school of practical nursing; be a licensed practical nurse in this state; have had at least 5 years' experience as a practical nurse; and be currently engaged in the practice of practical nursing and have practiced for at least 5 years. Two members are public members who are not medical practitioners, involved in the practice of nursing or employment of nursing, or administrators of Montana health care facilities. All members must have been residents of this state for at least 1 year before appointment and must be citizens of the United States.

**Ms. Sharon Dschaak, 121 Anaconda, Wolf Point MT 59201**

Contact phone(s): 406-653-6549 406-653-1320

Appointment date: 8/19/2005; Term ends: July 1, 2007

Qualification: Licensed Practical Nurse



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Dschaak received her LPN training through the University of North Dakota-Williston Center. Since 1994, she has worked for Northeast Montana Health Services as an education coordinator and management team member. She's active in RSVP and her local church.

**Ms. Connie Reichelt, 1026 Prairie Dog Lane, Big Sandy MT 59520**

Contact phone(s): 406-378-2189 406-378-2361

Appointment date: 8/19/2005; Term ends: July 1, 2009

Qualification: advanced practice registered nurse

Reichelt is a family nurse practitioner at the Big Sandy Medical Center. Her medical degree is from Montana State University. Reichelt was a volunteer in the United States Peace Corps.

**Ms. Karen Pollington, 11 Park Road, Havre MT 59501**

Contact phone(s): 406-262-1303 406-265-5668

Appointment date: 7/1/2006; Term ends: July 1, 2010

Qualification: registered nurse

Pollington received her BSN with Family Nurse Practitioner from Purdue University. She is the vice president of Patient Care for Northern Montana Hospital in Havre.

**Ms. Kathleen Sprattler, 1825 Wentworth Dr, Billings MT 59105**

Contact phone(s): 406-896-8757

Appointment date: 7/1/2006; Term ends: July 1, 2010

Qualification: Licensed Practical Nurse

Sprattler received her license through the Great Falls College of Technology and has completed additional training in a variety of subjects. In January of 2001 she started working for Billings School District #2 as a School Nurse/Licensed Practical Nurse.

**Ms. Brenda Schye, PO Box 184, Fort Peck MT 59233**

Contact phone(s): 406-526-3217

Appointment date: 7/1/2006; Term ends: July 1, 2010

Qualification: public representative

Schye graduated from the University of Montana in 1972 with degrees in business and physiology. She has been a member on the hospital board for the Frances Mahon Deaconess Hospital for twelve years. She has also directed an early intervention program and taught in Chinook.

**Ms. Deborah Hanson, 1002 Pleasant, Miles City MT 59301**

Contact phone(s): 406-232-2134

Appointment date: 7/1/2006; Term ends: July 1, 2010

Qualification: public representative

Hanson is active in the Custer Resource Alliance and the local Democratic Party.

**Board of Nursing Home Administrators -- 2-15-1735**

The board consists of five members who serve staggered 5-year terms; no more than two may be nursing home administrators. One member shall represent the public at large and must be 55 years of age or older at the time of appointment. The other two members must be representatives of professions or institutions concerned with the care of chronically ill and infirm aged patients and may not be from the same profession or have a financial interest in a nursing home.

**Ms. Linda Sandman, 716 Highland, Helena MT 59601**

Contact phone(s): 406-495-0436 406-449-4073

Appointment date: 2/9/2006; Term ends: May 28, 2010

Qualification: Nursing Home Administrator

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Sandman received her master's degree in social work from Eastern Washington University in Cheney. She has over 25 years of professional experience in social services and health and is currently the owner and administrator of SonHeaven Assisted Living Residences in Helena.

**Ms. Polly Nikolaisen, 40 Claremont St Apt 304A, Kalispell MT 59901**

Contact phone(s): 406-257-2447

Appointment date: 5/28/2006; Term ends: May 28, 2011

Qualification: public representative, 55 years of age or older

Nikolaisen studied business in Aakers Business School in Fargo. In 1980 she became a board member for the Immanuel Lutheran Nursing Home in Kalispell and served for two terms. She visits Immanuel Lutheran on a daily basis, while also participating in other community organizations.

**Board of Occupational Therapy Practice -- 2-15-1749**

The board consists of five members, who serve staggered 4-year terms. Appointees who have served two successive complete terms are not eligible for reappointment until after 1 year. The members are: Three licensed Occupational Therapists, who are actively engaged in the practice or teaching of occupational therapy; and two members of the general public with an interest in the rights of the consumers of health services.

**Ms. Sue Furey, 280 Hellgate Dr, Missoula MT 59802**

Contact phone(s): 406-728-2400 406-258-2888

Appointment date: 12/31/2005; Term ends: December 31, 2008

Qualification: public representative

Furey graduated from Illinois State University in 1994 with a master's degree and certification in special education. She continued her education at the University of Montana and received her Montana teaching certificate. She currently teaches Vocational Prep and Transition at Sentinel High School in Missoula and is involved in various community activities.

**Ms. Cindy Stergar, 1600 W Steel, Butte MT 59701**

Contact phone(s): 406-496-6003 406-723-9335

Appointment date: 1/1/2007; Term ends: December 31, 2010

Qualification: public representative

Stergar graduated from Whitworth College in Spokane with a master's degree in applied behavioral science. In 1999 she became the executive director of Butte Community Health Center and in 2002 she became the vice chair of the Board of Directors of the Belmont Senior Citizens Center in Butte.

**Mr. Tim Tracy, 111 Sunnyview Ln Ste C, Kalispell MT 59901**

Contact phone(s): 406-752-7581

Appointment date: 1/1/2007; Term ends: December 31, 2010

Qualification: Occupational Therapist

Tracy graduated from the University of North Dakota in 1985 with a bachelor's degree in occupational therapy and hand therapy. He has over 21 years of experience in occupational therapy and currently has a private practice in Kalispell, Tracy Hand & Occupational Therapy.

**Board of Pardons and Parole -- 2-15-2302**

The board is designated as a quasi-judicial board and consists of three members and four auxiliary members who serve staggered 4-year terms. Each member must have knowledge of American Indian culture and problems gained through training. Members of the board, including the auxiliary members, must possess academic training that has qualified them for professional practice in a field such as criminology, education, psychiatry, psychology, law, social work, sociology, or guidance and counseling. Related work experience in the areas listed may be substituted for these educational requirements.

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**Mr. John Rex, P.O. Box 656, Miles City MT 59301**

Contact phone(s): 406-234-0234 406-234-8658

Appointment date: 5/16/2005; Term ends: January 1, 2007

Qualification: education or experience in criminology, education, psychiatry, psychology, law, social work, sociology, or guidance and counseling

Raised in Minnesota, Rex graduated from Montana State University with a bachelor's degree in human services with concentrations in chemical dependency and social problems. He interned on the Crow reservation and is currently the chemical dependency program director for the Eastern Montana Community Mental Health Center.

**Mr. Darryl Dupuis, 480 Grinde Bay Ln, Polson MT 59860**

Contact phone(s): 406-883-2246 928-345-9090

Appointment date: 1/9/2006; Term ends: January 1, 2010

Qualification: education or experience in criminology, education, psychiatry, psychology, law, social work, sociology, or guidance and counseling

A member of the Salish Kootenai Tribe, Dupuis graduated from the University of Montana with a master's degree in school administration/secondary principal. After being in the United States Army from 1955-1957, he was the youth recreation director for the Glasgow Air Force base. He has been on the Salish Kootenai College Board of Directors and was the principal of Polson Middle School.

**Ms. Margaret Hall-Bowman, PO Box 277, Pablo MT 59855**

Contact phone(s): 406-675-5000 406-883-5208

Appointment date: 1/9/2006; Term ends: January 1, 2010

Qualification: education or experience in criminology, education, psychiatry, psychology, law, social work, sociology, or guidance and counseling

Hall-Bowman is the owner-operator of Joe's Jiffy Stop convenience store. She served on the Tribal Court of Appeals and on a number of boards, including the Lake County Development Board, and is currently on the Board of Directors for a new tribal business, S&K Global Systems.

**Board of Personnel Appeals -- 2-15-1705**

The board is designated as a quasi-judicial board and consists of five members and two substitute members. Two members are required to be full-time management employees in organizations with collective bargaining units or who represent management in collective bargaining activities; two members are required to be full-time employees or elected officials of a labor union or an association recognized by the board; and one member is required to have general labor-management experience, who is the presiding officer.

**Ms. Alice Whiteman, PO Box 1114, Bonner MT 59823**

Contact phone(s): 406-210-2065 406-258-6564

Appointment date: 8/14/2006; Term ends: January 1, 2009

Qualification: full-time management employee in an organization with a collective bargaining unit

Whiteman is the Regional Human Resource Manager for Safeway, Inc. She has a master's of public administration –personnel and workforce diversity from Montana State University and a BA degree in business administration/management from the University of Montana. She received the Outstanding Native American Graduate Achievement Award for Outstanding Performance in a Native American Studies Program.

**Board of Pharmacy -- 2-15-1733**

The board consists of six members appointed by the governor, who serve staggered 5-year terms with a limit of not more than two consecutive full terms. Members are: three licensed pharmacists (with 5 consecutive years experience immediately prior to appointment and continued active engagement in pharmacy while on the board), one member a registered pharmacy technician (with 5 consecutive years experience immediately prior to appointment and continued active engagement as a pharmacy technician while on the board), and two members from the general public who are residents of Montana and have never been actively directly related to the practice

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of pharmacy, been a member of the pharmacy profession or a spouse of a member of the pharmacy profession, or have material financial interest in providing pharmacy services. Licensed pharmacists must have degrees from the University of Montana-Missoula or an accredited pharmacy degree program approved by the board.

**Mr. Jim MacKenzie, 148 Central Ave, Whitefish MT 59937**

Contact phone(s): 406-862-2543 406-862-4030

Appointment date: 11/10/2005; Term ends: July 1, 2010

Qualification: licensed pharmacist

MacKenzie is a pharmacist in Whitefish who has been licensed by the State of Montana since 1971. He practices at Haines Medical Pharmacy.

**Mr. William Burton, 9 Valley View Dr, Clancy MT 59632**

Contact phone(s): 406-442-1247

Appointment date: 8/3/2006; Term ends: July 1, 2011

Qualification: licensed pharmacist

Burton is the Pharmacy Manager for Kmart Pharmacy. He is a graduate of Montana State University with a degree in Medical Technology and also holds a BS degree in pharmacy from the University of Montana. He serves as a School of Pharmacy Preceptor.

**Board of Physical Therapy Examiners -- 2-15-1748**

The board consists of five members as follows: three physical therapists licensed under Title 37, chapter 11, who have been actively engaged in the practice of physical therapy for the 3 years preceding appointment to the board; one physician licensed under Title 37, chapter 3, who has been actively engaged in the practice of medicine for the 3 years preceding appointment to the board; and one member of the general public who is not a physician or a physical therapist. Each member must have been a resident of Montana for the 3 years preceding appointment to the board. No member may be appointed for more than two consecutive terms.

**Mr. Richard Smith, 4900 Burning Tree, Missoula MT 59803**

Contact phone(s): 406-543-4890 406-721-7650

Appointment date: 11/14/2005; Term ends: July 1, 2008

Qualification: Physical Therapist

Smith is a physical therapist with Missoula Therapy, Inc. He has an MS degree in Anatomy from Colorado State University. He serves as the President of the Montana Chapter of the American Physical Therapy Association and President of the Five Valleys Arts and Cultural Center.

**Board of Plumbers -- 2-15-1765**

The board consists of nine members who serve staggered 4-year terms. The members are: two master plumbers and two journeyman plumbers, 18 years of age or older, who have been residents of this state for more than 1 year, and who have been duly licensed master or journeyman plumbers at least 5 out of the last 8 years immediately preceding their appointment; one registered professional engineer qualified in mechanical engineering; three representatives of the public who are not engaged in the business of installing or selling plumbing equipment; and one representative of the Department of Environmental Quality, who must have experience in the regulation of drinking water systems.

**Ms. Marlene Jackson, 26 Perth, Glasgow MT 59230**

Contact phone(s): 406-228-8540

Appointment date: 5/4/2005; Term ends: May 4, 2009

Qualification: public representative

Jackson is retired and is a former fourteen-year member of the City Council. She is a member of the VFW Auxiliary.

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**Mr. Olaf Stimac, 57 Country Ln, Great Falls MT 59404**

Contact phone(s): 406-452-1973

Appointment date: 5/4/2006; Term ends: May 4, 2010

Qualification: journeyman plumber

Stimac is the business agent for Plumbers and Pipefitters Local 41, representing 410 plumbers and pipefitters in central Montana. He manages the Great Falls Apprenticeship Center and is an apprenticeship instructor.

**Mr. Tim Regan, 519 S Strevell, Miles City MT 59301**

Contact phone(s): 406-232-3788

Appointment date: 5/4/2006; Term ends: May 4, 2010

Qualification: master plumber

Regan is the President and third generation member of Regan Plumbing, founded 96 years ago. He is active in sports, including serving as a coach for Little League Baseball and Little League Football.

**Ms. Debi Friede, 322 20th St, Havre MT 59501**

Contact phone(s): 406-265-7295 406-265-3061

Appointment date: 8/18/2006; Term ends: May 4, 2007

Qualification: public representative

A mother and grandmother, Friede has worked in the food service industry in Havre and has been active in local politics.

**Private Alternative Adolescent Residential or Outdoor Programs Board -- 2-15-1745**

The board consists of five members who serve 3-year terms. The members must include: three members from a list of nominees provided by programs, as defined in 37-48-102, of various sizes and types; and two members who must be from the general public.

**Mrs. Michele Manning, PO Box 2502, Thompson Falls MT 59873**

Contact phone(s): 406-827-4344

Appointment date: 8/15/2005; Term ends: April 19, 2008

Qualification: residential adolescent program (large size)

Manning is the school principal of Spring Creek Lodge Academy. She holds an MA degree in education administration.

**Ms. Mary Alexine, 57 Trails End Rd, Eureka MT 59917**

Contact phone(s): 406-889-5577

Appointment date: 8/15/2005; Term ends: April 19, 2008

Qualification: residential adolescent program (medium size)

Alexine is the co-owner of Chrysalis, a therapeutic boarding school. She has an MA in clinical and counseling psychology from Antioch College. She is a member of the American Counseling Association.

**Mr. Paul Clark, 20 Fox Lane, Trout Creek MT 59874**

Contact phone(s): 406-827-4440

Appointment date: 8/15/2005; Term ends: April 19, 2008

Qualification: wilderness adolescent program (small size)

Clark is the wilderness program director for Galena Ridge. He has a BA in education and environmental studies. He is a former state legislator.

**Ms. Carol Brooker, P.O. Box 794, Plains MT 59859**

Contact phone(s): 406-250-5717

Appointment date: 8/15/2005; Term ends: April 19, 2008

Qualification: public member

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Brooker is a Sanders County Commissioner. She has served as the president of the Montana Association of Counties.

**Mr. Daniel Bidegaray, 676 Ferguson, Bozeman MT 59715**

Contact phone(s): 406-522-7744

Appointment date: 10/6/2006; Term ends: April 19, 2008

Qualification: public member

Bidegaray is an attorney with a JD degree from the University of Montana. He is a member of the American and Montana Trial Lawyers Associations and Citizens for Public Justice.

**Private Security Patrol Officers and Investigators -- 2-15-1781**

The board consists of seven members who represent: one contract security company, as defined by 37-60-101; one proprietary security organization, as defined by 37-60-101; one city police department; one county sheriff's office; one member of the public; one member of the peace officers' standards and training advisory council; and a licensed private investigator. Members of the board must be at least 25 years of age and have been residents of this state for more than 5 years. Members serve staggered 3-year terms.

**Ms. Holly Dershem-Bruce, 304 Linden Ave, Glendive MT 59330**

Contact phone(s): 406-377-9432 406-377-6237

Appointment date: 1/6/2006; Term ends: August 1, 2008

Qualification: public representative

Dershem-Bruce is a college instructor at Dawson Community College. Her MA degree in criminal justice is from the University of Washington. She is a member of the Academy of Criminal Justice Science and the Secretary/Treasurer of the Community College Section of the Academy.

**Mr. Raymond Murray, 106 Ironwood Pl, Missoula MT 59803**

Contact phone(s): 406-549-7901

Appointment date: 1/6/2006; Term ends: August 1, 2008

Qualification: POST Representative

Murray is a self-employed forensic geologist with a PhD degree in geology from the University of Wisconsin. He is the Chair of the Missoula Police Commission and serves on the Peace Officers Standards and Training (POST) Advisory Council.

**Mr. Shad K. Foster, PO Box 4078, 200 Technology Way, Butte MT 59702**

Contact phone(s): 406-494-7390

Appointment date: 9/7/2006; Term ends: August 1, 2009

Qualification: proprietary security organization representative

Foster serves in various capacities for MSE-Technical Applications, including Operating Manager and Security Guard Manager. He has an associate degree in electrical engineering and has completed a number of management training and security courses.

**Mr. Leo C. Dutton, Lewis & Clark County, 221 Breckenridge, Helena MT 59601**

Contact phone(s): 406-447-8287

Appointment date: 9/7/2006; Term ends: August 1, 2009

Qualification: County Sheriff's Office Representative

Dutton has been with the Lewis & Clark County Sheriff's Department for 21 years, the last four as undersheriff. He grew up in Sand Springs and attended high school in Jordan, with further training at the Helena College of Technology. Dutton has command-level POST certificates and is also a licensed airplane mechanic and certified flight instructor.

**Ms. Linda Sanem, PO Box 3052, Bozeman MT 59715**

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Contact phone(s): 406-580-2109

Appointment date: 9/7/2006; Term ends: August 1, 2009

Qualification: licensed private investigator

Sanem is a licensed private investigator and owner of the firm Investigative Solutions. She has a BS degree from Montana State University and served as an adult probation/parole officer with the Montana Department of Corrections.

**Professional Engineers and Land Surveyors -- 2-15-1763**

The board consists of nine members, each of whom must be a United States citizen and Montana resident, and who serve staggered 4-year terms. A member may only serve three consecutive terms. The members are: five professional engineers (no more than two from the same branch of engineering) who have been engaged in the practice of engineering for at least 12 years and who have been in responsible charge of engineering teaching or important engineering work for at least 5 years and licensed in Montana for at least 5 years; two professional and practicing land surveyors who have been engaged in the practice of land surveying for at least 12 years and who have been in responsible charge of land surveying or important land surveying work for at least 5 years and licensed in Montana for at least 5 years; and two representatives of the public who are not engaged in or directly connected with the practice of engineering or land surveying.

**Mr. John Neil, 2750 Evergreen Dr., Great Falls MT 59404**

Contact phone(s): 406-453-5478 406-727-2518

Appointment date: 6/27/2005; Term ends: July 1, 2009

Qualification: licensed civil engineer

Neil is a consulting civil engineer with Neil Consultants, Inc. He holds a BS degree in civil engineering from Montana State University. He is a member of the American Society of Civil Engineers and the Wastewater Environmental Federation.

**Mr. Tom Heinecke, P.O. Box 8057, Kalispell MT 59901**

Contact phone(s): 406-752-2216

Appointment date: 6/27/2005; Term ends: July 1, 2009

Qualification: licensed mechanical engineer

Heinecke is a senior mechanical engineer with the firm of Morrison-Maierle. He has a BS degree in mechanical engineering from Montana State University and is a past president of the Montana Society of Engineers.

**Mr. Casey E. Johnston, 2808 Elizabeth Warren, Butte MT 59701**

Contact phone(s): 406-494-4104 406-494-2816

Appointment date: 2/6/2006; Term ends: July 1, 2007

Qualification: licensed electrical engineer

Johnston is employed by Northwestern Energy as an electrical engineering manager. He has a master's degree from MSU-Montana Tech in project engineering and management. He serves as the chair of the Butte/Silver Bow Electric Board and as served 6 different periods as chair of the Institute for Electrical and Electronic Engineers.

**Ms. Liz Blair, 140 Haskill Dr, Whitefish MT 59937**

Contact phone(s): 406-751-4359 406-261-6466

Appointment date: 8/3/2006; Term ends: July 1, 2010

Qualification: public representative

Blair is a Real Estate Salesperson with Coldwell Banker Wachholz. Her BS degree is in business administration-finance from the University of Montana.

**Mr. David Elias, PO Box 494, Anaconda MT 59711**

Contact phone(s): 406-723-8581 406-563-2621

Appointment date: 8/3/2006; Term ends: July 1, 2010

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Qualification: licensed land surveyor

Elias is a self-employed civil engineer and land surveyor with an MSCE degree in Civil engineering from Montana State University. He holds a dual license as Professional Engineer and Land Surveyor.

**Mr. Steve Wright, PO Box 2988, Columbia Falls MT 59912**

Contact phone(s): 406-892-8211 406-892-2813

Appointment date: 8/3/2006; Term ends: July 1, 2010

Qualification: licensed chemical engineer

Wright is an environmental engineer with the Columbia Falls Aluminum Company. He has a BS degree in chemical engineering from Montana State University and is a member of the American Institute of Chemical Engineers.

**Board of Psychologists -- 2-15-1741**

The board consists of six members who serve staggered, 5-year terms. Two members must be licensed psychologists in private practice, one member must be a licensed psychologist in public health, one member must be a licensed psychologist engaged in the teaching of psychology, and two members must be from the general public. A member may not serve consecutive 5-year terms but may be reappointed after 5 years following the termination of the previous appointment.

**Ms. Bonnie Hyatt-Murphy, 402 S 5th, Livingston MT 59047**

Contact phone(s): 406-222-2302

Appointment date: 11/7/2005; Term ends: September 1, 2010

Qualification: public representative

Hyatt-Murphy is a teacher and tour operator with Wilderness Photography Expeditions. She has an MA in writing-education from the University of Iowa, Iowa City. She served on the Livingston School Board and is a member of the Montana State Library Advisory council and serves as Secretary of the Montana Mental Health Council.

**Board of Public Education -- 2-15-1508**

The board consists of seven members who serve seven-year terms. Statute requires a geographic and political party balance.

**Ms. Angela McLean, PO Box 546, Anaconda MT 59711**

Contact phone(s): 406-563-5269 406-563-8309

Appointment date: 3/22/2006; Term ends: February 1, 2013

Qualification: District 1; Democrat

McLean is a nationally certified social studies teacher in the Anaconda Public Schools. She has an MA degree in curriculum and instruction from the University of Montana. She is a member of MEA-MFT and serves on the Legislative Committee and is also a member of the Dwyer Primary PTA.

**Board of Radiologic Technologists -- 2-15-1738**

The board consists of seven members who serve staggered 3-year terms. One member shall be a radiologist licensed to practice medicine in Montana; one member shall be a physician licensed to practice medicine in Montana who employs at least one person granted a permit issued by the board pursuant to 37-14-306; one member shall be a person granted a permit issued by the board pursuant to 37-14-306; one member shall be a public member; and three members shall be radiologic technologists registered with the American Registry of Radiologic Technologists (ARRT) who, with the exception of the first appointed members, are licensed radiologic technologists.

**Ms. Anna L. Hazen, PO Box 249, Fort Benton MT 59422**

Contact phone(s): 406-622-3331 406-622-5182



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Appointment date: 2/17/2006; Term ends: July 1, 2008

Qualification: permit holder

Hazen is the laboratory and radiology manager for the Missouri River Medical Center and has worked there as a limited permit holder since 1991. She is also the owner of a landscape/nursery and flower shop.

**Ms. Charlotte Kelley, 147 Saddle Mountain Dr, Clancy MT 59634**

Contact phone(s): 406-444-7858 406-449-6237

Appointment date: 2/17/2006; Term ends: July 1, 2008

Qualification: public representative

Kelley is an enrolled member of the Ft. Belknap Assiniboiné Tribe. She is currently a health educator and American Indian screening coordinator for the Montana Breast and Cervical Health Program. She received her advance training from the Columbus School of Nursing, College of Great Falls, and Montana State University. She has been active in the American Cancer Society, Reach for Tomorrow, Salvation Army, her local church and various healthcare boards.

**Mr. Charles McCubbins, 136 3rd Ave W, Columbia Falls MT 59912**

Contact phone(s): 406-751-9729

Appointment date: 2/17/2006; Term ends: July 1, 2008

Qualification: radiologic technician

McCubbins is the Supervisor for CT/X-Ray at HealthCenter Northwest and Kalispell Regional Medical Center. He attended Flathead Valley Community College and is a graduate of the St. Patrick Radiology Technologist Program in Missoula. He was a Columbia Falls councilman and serves on the Columbia Falls Board of Adjustment.

**Dr. Ronald Darby, 1159 Moon Valley Rd, Billings MT 59105**

Contact phone(s): 406-657-4190

Appointment date: 2/17/2006; Term ends: July 1, 2008

Qualification: doctor of medicine who employs radiologic technicians

Darby is the medical director of the radiology department with the Deaconess Billings Clinic. He holds an MD from the University of Alberta. He is a member of the Montana Medical Association, the American College of Radiology and the Radiological Society of North America.

**Dr. Hugh Cecil, 310 Sunnyview Ln, Kalispell MT 59901**

Contact phone(s): 406-752-1766

Appointment date: 2/17/2006; Term ends: July 1, 2008

Qualification: radiologist

Cecil is a diagnostic radiologist with an MD degree from the University of California, Davis. He is board certified in diagnostic radiology and fellowship-trained in interventional radiology. He is in charge of PACS and quality assurance for a number of hospitals and clinics which his group serves.

**Ms. Kelli Bush, 2636 Harvard Ave, Butte MT 59701**

Contact phone(s): 406-240-4470

Appointment date: 8/14/2006; Term ends: July 1, 2009

Qualification: radiologic technician

Bush is a Radiologic Technologist, employed at St. James Healthcare. She is a member of the Montana Society of Radiologic Technologists. She attended the University of Montana and pursued professional education at the Benefis Healthcare School of Radiologic Technology.

**Board of Real Estate Appraisers -- 2-15-1758**

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The board consists of seven members who serve staggered 3-year terms. A member may not serve for more than two consecutive terms. Five members must be licensed or certified real estate appraisers, and two members must be representatives of the public who are not engaged in the occupation of real estate appraisal.

**Mr. Peter Fontana, 28 Treasure State Dr, Great Falls MT 59404**

Contact phone(s): 406-868-2799 406-771-7353

Appointment date: 5/26/2005; Term ends: May 1, 2008

Qualification: real estate appraiser

Fontana is a self-employed real estate appraiser. He has a BS degree in finance/accounting from the University of Montana.

**Mr. Kraig P. Kosena, 124 W Pine St Suite A, Missoula MT 59808**

Contact phone(s): 406-549-6151

Appointment date: 5/26/2005; Term ends: May 1, 2008

Qualification: real estate appraiser

Kosena is a self-employed real estate appraiser with a BS degree from the University of Montana in small business administration. He is the president of the Montana Chapter of Appraisal Institute and past President of the Missoula Exchange Club.

**Ms. Kathleen Susan Gallaher, 516 E. Lamme St, Bozeman MT 59715**

Contact phone(s): 406-585-3924

Appointment date: 5/31/2006; Term ends: May 1, 2009

Qualification: public representative

Gallagher is a real estate lender with First Security Bank and chairs the bank's Real Estate Appraisal Committee. She holds a BA degree in anthropology from Montana State University. Active in civic affairs, she serves on the Community Affordable Housing Advisory Board and is president of the Energy Share Board.

**Mr. Darwin Ernst, 702 W. Desta St, Hamilton MT 59840**

Contact phone(s): 406-363-7008

Appointment date: 5/31/2006; Term ends: May 1, 2009

Qualification: real estate appraiser

Ernst is an Independent Fee Appraiser with his firm, Darwin Ernst Appraisal Services. He has a BA from Concordia College. He serves as a qualified mentor for trainees and on the Board of Montana Cadastral Technical Advisory Team.

**Board of Realty Regulation -- 2-15-1757**

The board consists of five members who serve staggered 4-year terms, limited to not more than two full or partial terms. Three members must be licensed real estate brokers or salespeople who are actively engaged in the real estate business as a broker or salesperson in this state. Two members must be representatives of the public who are not state government officers or employees and who are not engaged in business as a real estate broker or salesperson. The members must be residents of this state. Not more than three members, including the presiding officer, may be from the same political party.

**Ms. Lucinda Willis, 606 Park Circle Dr, Polson MT 59860**

Contact phone(s): 406-883-8037 406-883-24253

Appointment date: 11/18/2005; Term ends: May 9, 2009

Qualification: real estate salesperson; Democrat

Willis is the Broker-Owner of Real Estate Buyers Solutions, LLP. She is a member of a number of professional associations, including the National, Montana and Northwestern Realtors Association and the National Association of Exclusive Buyers Agents. She is active in civic affairs, including serving as the vice president of the Lake County Community Development Agency.

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**Ms. Judith Peasley, PO Box 1088, Seeley Lake MT 59868**

Contact phone(s): 406-677-3006

Appointment date: 8/3/2006; Term ends: May 9, 2010

Qualification: public representative; Democrat

Peasley is an attorney with the Peasley Law Firm. Her JD degree is from the University of New Mexico Law School. She is the state treasurer for the Montana Business and Professional Women and also serves as a director for the MBPW Foundation.

**Board of Regents -- 2-15-1508**

The Board of Regents requires political and geographic balance. Each member serves a 7-year term, except for the student regent who serves from one to four years. A regent may not be a member of the Board of Public Education. The student regent must be a registered, full-time student at a unit of higher education under the jurisdiction of the regents. The term of the student regent is from one to four years (July 1-June 30). The student regent appointment is not subject to geographic and political balance and is to be chosen from a list of 3 students submitted by a student organization designated by the Board of Regents.

**Ms. Heather O'Loughlin, 216 E Pine St #2, Missoula MT 59802**

Contact phone(s): 406-868-3438

Appointment date: 1/3/2006; Term ends: June 30, 2007

Qualification: student representative

O'Loughlin is a student at the University of Montana Law School. She has BA degrees in economics and business administration-finance from the University of Montana. She served as a law clerk for the U.S. Senate Finance Committee, Washington, D.C. in 2005. She has held offices with the Associated Students of the University of Montana, serving as Business Manager and as Vice President.

**Ms. Lynn Hamilton, PO Box 1941, Havre MT 59501**

Contact phone(s): 406-265-2724

Appointment date: 2/1/2006; Term ends: February 1, 2013

Qualification: District 2; Democrat

Hamilton served as Director of University Relations for Northern Montana College from 1981-1977. She has also worked in promotion and production for Montana television stations and holds a BA degree in journalism and interpersonal communications from the University of Montana. The Chair of the Student Assistance Foundation, she has also served on the boards of various civic and professional organizations, including the Big Sky Chapter of American Women in Radio and Television and the Havre Youth Basketball program.

**Mr. Clayton Christian, 3800 Lincoln Rd, Missoula MT 59802**

Contact phone(s): 406-728-1500 406-728-6191

Appointment date: 5/15/2006; Term ends: February 1, 2008

Qualification: District 1; Independent

Christian is the owner and CEO of Stewart Title of Missoula and works as the Western Montana District Manager for Stewart Title Guaranty. Partnering with Stewart Title Guaranty, he has opened title companies in 8 Montana communities. He worked on a ranch for 10 years to pay for college and has a BA degree from the University of Montana.

**Dr. Janine Pease, 1222 Ponderosa Dr, Billings MT 59102**

Contact phone(s): 406-657-1133 406-256-0410

Appointment date: 6/16/2006; Term ends: February 1, 2011

Qualification: District 2; Democrat

Pease is the Vice President for American Indian Affairs at Rocky Mountain College in Billings, where she also serves on the President's Cabinet. Pease received her master's and doctorate degrees in adult and higher

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education from Montana State University-Bozeman. She served as the founding president for Little Big Horn College for 18 years and was on the board of directors of the American Indian College Fund. She has presented testimony in the US Congress, represented tribal colleges in private sector initiatives and received numerous awards, among them the MacArthur Fellowship (commonly referred to as the Genius Award).

**Research and Commercialization Technology Board -- 2-15-1819**

The board consists of six members, four of whom are appointed by the legislature and two appointed by the governor. The board is considered quasi-judicial, except that an attorney member is not required. One of the members appointed by the governor must be an enrolled member of a Montana tribal government. A member who ceases to live in the state is disqualified from membership.

**Mr. Jim Davison, 609 E Commercial, Anaconda MT 59711**

Contact phone(s): 406-563-7932

Appointment date: 7/1/2005; Term ends: July 1, 2007

Qualification: public representative

Davison is the Executive Director of the Anaconda Local Development Corporation and is a member and past President of the Montana Economic Development Association. He has served on the Anaconda Job Corps Advisory Council and the Deer Lodge County Tax Increment Finance board, along with a number of other professional and civic organizations. Davison has a BS degree with honors from Montana State University and has completed a finance professional certification program of the National Development Council.

**Mr. Michael Dolson, 399 Camas Crk Rd, Plains MT 59859**

Contact phone(s): 406-275-4942 406-741-2838

Appointment date: 9/20/2006; Term ends: July 1, 2008

Qualification: Native American

Dolson has a BA from Thomas Aquinas College in Santa Paula, California, and a JD from the University of Montana. He has taught Native American studies and other classes for the Native American Studies Department of Salish Kootenai College. He's also been a ranch laborer and a hay harvester, along with being a substitute math instructor and assistant football coach.

**Board of Sanitarians -- 2-15-1751**

The board consists of five members who are residents of Montana and who serve staggered 3-year terms. Three of the members must be registered sanitarians who must have a minimum of 3 years of experience practicing as a sanitarian in the state of Montana. Two members must be from the public but not sanitarians and shall represent the interests of the public at large.

**Ms. Kathleen Driscoll, 116 North Ninth Street, Hamilton MT 59840**

Contact phone(s): 406-363-2233 406-363-4236

Appointment date: 11/22/2005; Term ends: July 1, 2008

Qualification: public representative

Driscoll is a realtor with Driscoll Realty, LLP and participates in continuing education in real estate. She is active in the disabilities community, including the National Alliance for the Mentally Ill, where she has participated in NAMI's anti-stigma campaign. Driscoll previously was a member of the Mental Disabilities Board of Visitors and has also been involved in local growth and planning efforts.

**Gene Townsend, PO Box 1, Three Forks MT 59752**

Contact phone(s): 406-285-3431 406-285-3633

Appointment date: 11/22/2005; Term ends: July 1, 2008

Qualification: public representative

Townsend is one of Montana's longest-serving active mayors. He was born and raised in Three Forks, and is serving on the local Human Resource Development Council board. He is active in the labor movement, and has

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worked at the Luzenac America talc plant for 34 years. Townsend is active in the Three Forks Historical Society and is on the board of First Community Bank of Three Forks.

**Mr. Gerald Cormier, 3911 Pine Cove Rd, Billings MT 59102**

Contact phone(s): 406-247-4449 406-656-4770

Appointment date: 11/22/2005; Term ends: July 1, 2008

Qualification: sanitarian

Cormier is a registered sanitarian, and a registered environmental health specialist with the National Environmental Health Association. He has a BS degree in agricultural economics from Montana State University. Cormier is a member of the Montana Environmental Health Association, and has served as the association's president. He is active in the Big Sky Exchange Club.

**Ms. Denise Moldroski, PO Box 930, East Helena MT 59635**

Contact phone(s): 406-582-3120 406-227-7309

Appointment date: 9/29/2006; Term ends: July 1, 2009

Qualification: sanitarian

Moldroski has been a registered sanitarian and environmental health specialist in Montana since 1988. Currently, she is an environmental health specialist with the Gallatin City-County Health Department and has also been employed by the Mineral County Planning and Sanitation office. She is a member of the Montana Environmental Health Association, where she served previously as a board member.

**State Compensation Mutual Insurance Fund Board -- 2-15-1019**

The board consists of seven members who serve 4-year terms. Terms are limited to two 4-year terms. At least four of the seven members must represent State Fund policyholders and may be employees of State Fund policyholders. At least four members of the board shall represent private, for-profit enterprises. One of the seven members may be a licensed insurance producer. A member of the board may not, except for the licensed insurance producer member, represent or be an employee of an insurance company that is licensed to transact workers' compensation insurance under compensation plan No. 2; or be an employee of a self-insured employer under compensation plan No. 1.

**Mr. Joe Dwyer, PO Box 50969, Billings MT 59105**

Contact phone(s): 406-248-2658

Appointment date: 11/18/2005; Term ends: April 28, 2007

Qualification: policy holder

Dwyer was appointed the principal officer of Teamsters Local 190 in 1996 and has been re-elected to that position four times. He serves as a trustee for the Montana Teamsters Contractors/Employers Trust and the Western Conference of Teamsters Pension Trust. He has also served on the Board of Personnel Appeals. Prior to his tenure with the local union, Dwyer worked as a warehouseman with Great Western Sugar in Billings.

**Speech-Language Pathologists and Audiologists -- 2-15-1739**

The board consists of five members who have been residents of this state for at least 1 year immediately preceding their appointment; and have been engaged in rendering services to the public, teaching, or performing research in the field of speech-language pathology or audiology for at least 5 years immediately preceding their appointment. At least two members of the board shall be speech-language pathologists and at least two shall be audiologists, with the remaining member to be a public member who is a consumer of speech-language pathology or audiology services and who is not licensed by the board or of any other board within the department. All board members, except the public member, shall at all times be validly licensed in speech-language pathology or audiology. Appointments shall be for 3-year terms with no person eligible to serve more than two full consecutive terms.

**Ms. Tina Hoagland, 3285 Canyon Dr #7, Billings MT 59102**

Contact phone(s): 406-657-2039 406-652-3656

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Appointment date: 10/24/2006; Term ends: December 31, 2008

Qualification: audiologist

Hoagland is an audiologist with the Montana Center on Disabilities at MSU-Billings. She received her master's in audiology from Western Washington University. She's a member of the Montana Speech/Language and Hearing Association, has served as president and secretary-treasurer of the Montana Audiology Guild and as an advisory council member for Growth Thru Art.

**Ms. Lynn Harris, PO Box 7609, Missoula MT 59807**

Contact phone(s): 406-329-7347

Appointment date: 10/24/2006; Term ends: December 31, 2008

Qualification: speech-language pathologist

Harris is an audiologist and speech/language audiologist with the Western Montana Clinic. She has an AuD in audiology from the Arizona School of Health Science. Harris serves on the regulations committee of the Montana Speech/Language and Hearing Association and is a member of the American Speech/Language and Hearing Association and the American Academy of Audiology.

**State Tax Appeals Board -- 15-2-1015**

The board consists of three members who serve six-year staggered terms.

**Ms. Karen E. Powell, PO Box 1526, Helena MT 59601**

Contact phone(s): 406-439-8309

Appointment date: 7/15/2006; Term ends: January 1, 2009

Qualification: public representative

Powell is an attorney who has served as an assistant attorney general, deputy state auditor, deputy securities commissioner and policy advisor to the state auditor. She is a graduate of Wesleyan University, with a BA degree in American Studies and a JD degree from Stanford Law School. She is active in community affairs and has served on the boards for several nonprofit organizations.

**Transportation Commission -- 2-15-2502**

The commission is designated as a quasi-judicial board (although an attorney-member is not required) and consists of five members. One member must be a resident of and appointed from each of five districts as defined by statute. Of the members appointed from districts 1, 3, 4, and 5, at least one must have specific knowledge of Indian culture and tribal transportation needs. Two members may not be residents of the same district at the time of appointment or during their respective terms of office. Not more than three members may at the time of appointment or during their respective terms be members of the same political party. An elective state official or state officer, during the term of office to which elected or appointed, or a state employee may not be a member of the commission.

**Mr. Kevin Howlett, PO Box 153, Arlee MT 59821**

Contact phone(s): 406-745-3525 ext 5021

Appointment date: 1/11/2007; Term ends: January 1, 2011

Qualification: District 1, with specific knowledge of Indian culture and tribal transportation needs; Democrat  
Howlett received his BA from the University of Montana and his master's degree in education from Harvard University. Currently, Howlett is the director of Tribal Health and Human Services for the Confederated Salish and Kootenai Tribes. He has also been a teacher, education administrator, consultant, and health systems administrator. He served on the Tribal Council for the Confederated Salish and Kootenai Tribes for two terms.

**Ms. Diann Seymour-Winterburn, 4385 Wylie Dr, Helena MT 59602**

Contact phone(s): 406-227-1235

Appointment date: 1/11/2007; Term ends: January 1, 2011

Qualification: District 3; Independent

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Seymour-Winterburn is a retired teacher and is married to a rancher. She spent 25 years teaching senior English, film and advanced placement English. She received her BA in English from the University of Colorado at Boulder and her master's degree in English from the University of Montana. She has volunteered in the community, including the Friendship Center and the Myrna Loy.

**Ms. Nancy Espy, PO Box 326, Broadus MT 59317**

Contact phone(s): 406-436-2588

Appointment date: 1/11/2007; Term ends: January 1, 2011

Qualification: District 4; Independent

Espy is involved in her family's ranch, and has been active in many ranching groups, including the Montana Stockgrowers and Women Involved in Farm Economics. For seven years, she was vice president of Montana Ranch Beef, a small business that sold canned beef products. She has also served on the Montana Board of Livestock and was a County Commissioner.

**Board of Veterans' Affairs -- 2-15-1205**

The board consists of 20 members who must be Montana residents; 19 are appointed by the governor and one who is appointed by tribal leaders. Eleven are voting members, and nine are nonvoting members. Terms are for four years and voting members are limited to two terms. The voting members include veterans who have been honorably discharged representing five regions in the state set by the Board; a veteran at-large; one tribal member and one representative appointed by tribal leaders. Three additional voting members must have training, education, or experience related to veterans' issues. The nine non-voting members (who do not need Senate confirmation) are: the director of the Department of Military Affairs; the Office of State Coordinator of Indian Affairs; and representatives from the Department of Public Health and Human Services, U.S. Department of Veterans Affairs; Veterans' Employment and Training Service Office; the State Administration and Veterans' Affairs Interim Committee; and the state's Congressional delegation.

**Mr. Keith Heavyrunner, PO Box 2511, Browning MT 59417**

Contact phone(s): 406-338-7521

Appointment date: 12/29/2005; Term ends: August 1, 2009

Qualification: Veteran, Region 3

Keith Heavyrunner is active in assisting fellow veterans. He served in the U.S. Army from 1979 through 1983, when he was honorably discharged. He received medals for sharpshooter, rifle, hand grenade and good conduct, as well as Army service and overseas service ribbons.

**Mr. Harry LaFriniere, 4750 Hoblitt Lane, Florence MT 59833**

Contact phone(s): 406-777-3307

Appointment date: 9/19/2006; Term ends: August 1, 2010

Qualification: Veteran, Region 1

Now retired, LaFriniere was a member of the Montana National Guard and received awards for his service including the Montana National Guard Campaign Ribbon, the Army Commendation Medal and the Master Parachutists badge, Jumpmaster. He was the Chair of the Employee Support Guard/Reserve, western Montana and is active in community affairs.

**Ms. Mary Creech, 3451 Sanders St, Butte MT 59701**

Contact phone(s): 406-490-1092

Appointment date: 9/19/2006; Term ends: August 1, 2010

Qualification: Veteran, Region 2

Creech is a retired Army Chief Warrant Officer, with 30 years total service divided between active and reserve time, with service in various capacities. Most recently, she was assigned to Readiness Command, headquartered in Ft. Jackson, SC. Upon her retirement from service in 2003, she was awarded the Legion of Merit. She is a member of American Legion Post #1.

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**Ms. Sylvia Beals, 235 N 6th Ave, Forsyth MT 59327**

Contact phone(s): 406-346-7565

Appointment date: 9/19/2006; Term ends: August 1, 2010

Qualification: Veteran, Region 4

Beals was a member of the U.S. Navy and served at the Naval Hospital at Camp Pendleton, California, during the Vietnam era. She is very active in the American Legion, where she currently serves as state director and as the second vice director nationally. She is also active in other veterans' organizations, including the Disabled American Veterans and the American Legion Auxiliary.

**Mr. Thomas Huddleston, 2416 Teakwood Ln, Helena MT 59601**

Contact phone(s): 406-443-7023

Appointment date: 9/19/2006; Term ends: August 1, 2010

Qualification: individual with experience with veterans' issues

Huddleston is a disabled Vietnam veteran and has a bachelor's of arts degree in political science from Carroll College. He was a Helena city commissioner and is a life member of the Disabled American Veterans.

Huddleston has performed veterans' counselor and management analyst duties for the Veterans' Administration.

**Board of Veterinary Medicine 2-15-1742 -- Montana Code Annotated**

The board consists of six members who serve staggered 5-year terms. Five must be licensed veterinarians and one of whom must be a public member who is a consumer of veterinary services and who may not be a licensee of the board or of any other board under the Department of Labor and Industry. Each veterinarian member must be a reputable licensed veterinarian who has graduated from a college authorized by law to confer degrees and have educational standards equal to those approved by the American Veterinary Medical Association. Each veterinarian member shall have actually and legally practiced veterinary medicine in either private practice or public service in this state for at least 5 years immediately before his appointment.

**Dr. Joan Marshall, 1721 Chalk Buttes Rd, Ekalaka MT 59324**

Contact phone(s): 406-755-6390

Appointment date: 3/9/2006; Term ends: July 31, 2010

Qualification: veterinarian

Marshall has many years of experience with small animal practice and received her doctor of veterinary medicine from Washington State University at Pullman. She has been a member of several veterinary medical associations and has served as President of the California Academy of Veterinary Medicine. She has also served for many years as a judge at the Carter and Fallon County Fairs.

**Mr. Tony Belcourt, PO Box 192, Box Elder MT 59521**

Contact phone(s): 406-352-5000

Appointment date: 3/9/2006; Term ends: July 31, 2010

Qualification: consumer

Belcourt is the CEO of the Chippewa Cree Construction Company and attended Northern Montana College. He is a former Tribal Council member and the former chair of the Tribal Conservation Issue Subcommittee. He is the current chair of the Intertribal Agricultural Committee.

**Dr. Bob Sager, PO Box 321, Wilsall MT 59086**

Contact phone(s): 406-578-2080 406-223-2080

Appointment date: 10/6/2006; Term ends: July 31, 2011

Qualification: veterinarian

The owner of a primarily large animal practice in Wilsall, Sager received his professional degree in veterinary medicine from Colorado State University. He is an active member of the Montana Veterinary Medical Association



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**SEN. CAROLYN SQUIRES, SD 48, MISSOULA** asked that Senators bring forth any comments on the appointments shortly due to State Administration Committee presenting a Senate Resolution within two weeks.

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 294**, introduced by Harrington, referred to Judiciary.

**SB 295**, introduced by Tash, Barrett, Smith, Pease, referred to State Administration.

**SB 296**, introduced by Weinberg, referred to Business, Labor, and Economic Affairs.

**SB 297**, introduced by Ryan, Barkus, Becker, Laslovich, Cocchiarella, Raser, referred to Education and Cultural Resources.

**SB 298**, introduced by Curtiss, Perry, Barkus, referred to Highways and Transportation.

**SB 299**, introduced by Moss, Hawks, Tash, Rice, Branae, referred to Local Government.

**SB 300**, introduced by Cooney, Lind, Smith, Lewis, Parker, Gillan, Laible, Harrington, Moss, Franklin, Squires, referred to Judiciary.

**SB 301**, introduced by Moss, Hawks, referred to Local Government.

**SB 302**, introduced by Barkus, Jackson, O'Neil, Curtiss, Jopek, Brueggeman, Taylor, Weinberg, Reinhart, Blasdel, Laible, Thomas, referred to Highways and Transportation.

**SB 303**, introduced by Barkus, Jackson, Jopek, Brueggeman, referred to Highways and Transportation.

**SB 304**, introduced by Laslovich, referred to Business, Labor, and Economic Affairs.

**SB 305**, introduced by Laslovich, referred to Highways and Transportation.

**SB 3**, introduced by Weinberg, Wanzenried, Hawks, Jopek, Jent, Ebinger, Sonju, Malcolm, Lind, referred to Education and Cultural Resources.

**SB 306**, introduced by Harrington, Jayne, Kaufmann, Brown, Williams, Larson, Noonan, Campbell, Villa, Small-Eastman, Windy Boy, Bixby, Wanzenried, Jopek, Sesso, Groesbeck, Musgrove, Gallus, Henry, Branae, Raser, Dickenson, Reinhart, Sands, Weinberg, Caferro, Wilmer, Cordier, French, Keane, Erickson, referred to Judiciary.

**SB 307**, introduced by Ryan, Ripley, Becker, Bales, Cobb, Sonju, Story referred to Education and Cultural Resources.

**SB 308**, introduced by J. Peterson, Bales, referred to State Administration.

**SB 309**, introduced by Balyeat, Hendrick, Koopman, Butcher, Boggio, Everett, Wells, Lange, Curtiss, Bales, O'Hara, J. Peterson, Beck, Lewis, W. Jones, Olson, Campbell, Ward, Blasdel, Kitzenberg, Jent, Stoker, Jore, Jackson, Perry, O'Neil, Rice, Murphy, McGillvray, Windy Boy, Heinert, referred to Judiciary.

The following House bills were introduced, read first time, and referred to committees:

**HB 31**, introduced by Kottel, referred to Highways and Transportation.

**HB 52**, introduced by Jacobson, referred to State Administration.

**HB 219**, introduced by Ebinger, referred to Highways and Transportation.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Gebhardt in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

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**SB 35** - Senator J. Tropila moved **SB 35** do pass. Motion carried unanimously.

**SB 70** - Senator J. Tropila moved **SB 70** do pass. Motion carried unanimously.

**SB 126** - Senator Gallus moved **SB 126** do pass. Motion carried with Senator McGee voting nay.

**SB 150** - Senator Gillan moved **SB 150** do pass. Motion carried unanimously.

**SB 13** - Senator Shockley moved **SB 13** do pass. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 24

Nays: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 25

Absent or not voting: None.  
Total 0

Excused: Harrington.  
Total 1

**SB 13** - Senator Shockley moved **SB 13** be **indefinitely postponed**. Motion carried as follows:

Yeas: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, Steinbeisser, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 26

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Story, Tash.  
Total 23

Absent or not voting: None.  
Total 0

Excused: Harrington.  
Total 1

**SB 85** - Senator Schmidt moved **SB 85** do pass for the day. Motion carried unanimously.

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Gebhardt moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Cocchiarella, Elliott, Gallus, Gebhardt, Gillan, Hansen, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

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Total 26

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 23

Absent or not voting: None.

Total 0

Excused: Harrington.

Total 1

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 23** passed as follows:

Yeas: Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Hansen, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 38

Nays: Bales, Balyeat, Barkus, Esp, Gebhardt, Jackson, McGee, O'Neil, Perry, Stapleton, Steinbeisser.

Total 11

Absent or not voting: None.

Total 0

Excused: Harrington.

Total 1

**SB 48** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Harrington.

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Total 1

**SB 72** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Harrington.

Total 1

**SB 82** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Harrington.

Total 1

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1 p.m., Friday, January 19, 2007. Motion carried.

Senate adjourned at 3:16 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

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60TH LEGISLATURE  
THIRTEENTH LEGISLATIVE DAY**

Helena, Montana  
January 19, 2007

Senate Chambers  
State Capitol

Senate convened at 1 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 45

Nays: Balyeat, Gebhardt, Jackson, O'Neil, Shockley.  
Total 5

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**REPORTS OF STANDING COMMITTEES**

**FINANCE AND CLAIMS** (Schmidt, Chairman): 1/19/2007  
**SB 60**, introduced bill, be amended as follows:

1. Page 2, line 12.

**Following:** "safety of"

**Strike:** "vulnerable"

**Insert:** "those"

**Following:** "population"

**Insert:** "who are most in need, as defined by their economic, social, or medical circumstances"

And, as amended, do pass. Report adopted.

**SB 71**, introduced bill, be amended as follows: 1/19/2007

1. Page 1, line 25.

**Following:** "enacted"

**Insert:** "or amended"

2. Page 1, line 26.

**Following:** "in the notice"

**Strike:** "if" through "section"

3. Page 2, line 16.

**Following:** "enacted"

**Insert:** "or amended"

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4. Page 2, line 18.

**Following:** the second "date"

**Strike:** "of the postmark"

**Insert:** "on which the notice is mailed by the agency"

And, as amended, do pass. Report adopted.

**JUDICIARY** (Laslovich, Chairman):

1/19/2007

**SB 133**, introduced bill, be amended as follows:

1. Title, line 4.

**Following:** "THAT"

**Strike:** "RETIREMENT FUNDING MECHANISMS AND"

2. Title, line 6.

**Following:** "JUDGMENT;"

**Strike:** "AND"

**Following:** "MCA"

**Insert:** "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 1, line 23 through line 30.

**Strike:** subsection (e) in its entirety

**Insert:** "(e) except as provided in subsection (2), individual retirement accounts, as defined in 26 U.S.C. 408(a), to the extent of deductible contributions made before the suit resulting in judgment was filed and the earnings on those contributions, and Roth individual retirement accounts, as defined in 26 U.S.C. 408A, to the extent of qualified contributions made before the suit resulting in judgment was filed and the earnings on those contributions;"

4. Page 2, line 9 through line 11.

**Strike:** subsection (i) in its entirety

**Insert:** "(i) benefits or payments paid or payable from a retirement system or plan within Title 19, chapters 3, 5 through 9, and 13, as provided by 19-2-1004; and

(j) benefits or payments paid or payable from a retirement system or plan within Title 19, chapter 20, as provided by 19-20-706; and"

**Renumber:** subsequent subsection

5. Page 2, line 31.

**Following:** line 30

**Insert:** "NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

**STATE ADMINISTRATION** (Squires, Chairman):

1/19/2007

**SB 47**, do pass. Report adopted.

**TAXATION** (Elliott, Chairman):

1/19/2007

**SB 121**, introduced bill, be amended as follows:

1. Page 1, line 12.

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**Strike:** "and may not"

**Insert:** ", receive any consideration for, or"

2. Page 1, line 16.

**Strike:** "United States"

**Insert:** "state"

**Following:** "unless"

**Insert:** ": (a)"

**Following:** "disclosure"

**Insert:** ";

(b) the tax return preparer located outside of the state agrees:

(i) not to sell or receive any consideration for the tax return information; and

(ii) not to otherwise disclose the tax return information for its benefit or for the benefit of any person controlling, controlled by, or under common control with it; and

(c) the local tax return preparer indemnifies the taxpayer for the damages provided for in subsection (3)(d) for any sale or disclosure by the tax return preparer located outside the state in violation of subsection (2)(b)"

3. Page 1, line 18.

**Following:** "(1)"

**Insert:** "or (2)"

4. Page 1, line 21.

**Following:** "(1)"

**Insert:** "or (2)"

5. Page 1, line 24.

**Strike:** "\$1,000"

**Insert:** "up to \$10,000"

6. Page 1, line 30 through page 2, line 1.

**Strike:** subsection (5) in its entirety

**Renumber:** subsequent subsection

7. Page 2, line 20.

**Strike:** "(6)(b)(i)"

**Insert:** "(5)(b)(i)"

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

**House bills** passed and transmitted to the Senate for concurrence:

1/19/2007

**HB 21**, introduced by Morgan

**House bill** passed and transmitted to the Senate for concurrence:

1/19/2007

**HB 22**, introduced by McAlpin

**House bill** passed and transmitted to the Senate for concurrence:

1/19/2007

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**HB 87**, introduced by Cordier

**House bills** passed and transmitted to the Senate for concurrence:

1/19/2007

**HB 207**, introduced by Ingraham

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 310**, introduced by Brown, Jackson, Wanzenried, Essmann, referred to State Administration.

**SB 311**, introduced by Brown, Jackson, McGillvray, Lange, referred to Natural Resources and Energy.

**SB 312**, introduced by Lind, Cobb, Butcher, Wiseman, Gillan, Schmidt, Kottel, Klock, Olson, Becker, Everett, Driscoll, Campbell, Grinde, Augare, Becker, Laible, Perry, Stahl, Branae, Elliott, Perry, Stoker, Mendenhall, Ankney, referred to Public Health, Welfare and Safety.

**SB 313**, introduced by Wanzenried, Jacobson, Cohenour, Erickson, Branae, Hamilton, Grinde, Bixby, Hands, referred to Natural Resources and Energy.

**SB 314**, introduced by Steinbeisser, Smith, Stahl, referred to Fish and Game.

**SB 315**, introduced by Cobb, referred to Business, Labor, and Economic Affairs.

The following Senate joint resolution was introduced, read first time, and referred to committee:

**SJR 4**, introduced by Curtiss, Bales, Vincent, Gebhardt, Heinert, referred to Education and Cultural Resources.

The following Senate resolution was introduced, read first time, and referred to committee:

**SR 2**, introduced by Kitzenberg, Smith, referred to Fish and Game.

The following House joint resolutions were introduced, read first time, and referred to committees:

**HB 21**, introduced by Morgan, referred to Taxation.

**HB 22**, introduced by McAlpin, referred to Local Government.

**HB 87**, introduced by Cordier, referred to Natural Resources and Energy.

**HB 207**, introduced by Ingraham, referred to State Administration.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Gallus in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 104** - Senator Squires moved **SB 104** do pass. Motion carried unanimously.

**SB 83** - Senator Schmidt moved **SB 83** do pass. Motion carried unanimously.

**SB 85** - Senator Schmidt moved **SB 85** do pass. Motion carried unanimously.



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**SB 139** - Senator Cobb moved **SB 139**, second reading copy, be amended as follows:

1. Title, line 5.

**Strike:** "\$400"

**Insert:** "\$300"

2. Page 1, line 25.

**Strike:** "\$400"

**Insert:** "\$300"

3. Page 1, line 30.

**Strike:** "\$400"

**Insert:** "\$300"

4. Page 2, line 4.

**Strike:** "\$400"

**Insert:** "\$300"

5. Page 2, line 8.

**Strike:** "\$400"

**Insert:** "\$300"

6. Page 2, line 12.

**Strike:** "\$400"

**Insert:** "\$300"

Amendment **not** adopted as follows:

Yeas: Bales, Barkus, Black, Brown, Cobb, Curtiss, Esp, Essmann, Gebhardt, Kaufmann, McGee, Perry, Peterson, Stapleton, Steinbeisser, Tash.

Total 16

Nays: Balyeat, Brueggeman, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Ryan, Schmidt, Shockley, Smith, Squires, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 34

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 139** - Senator Gebhardt moved **SB 139**, second reading copy, be amended as follows:

1. Title, line 9.

**Following:** "RESIDENCE"

**Insert:** "AND ON RENTAL MULTIFAMILY DWELLINGS AND "SMALL BUSINESS" COMMERCIAL BUILDINGS AND THE PARCELS OF LAND ON WHICH THEY ARE SITUATED OWNED BY A TAXPAYER RESIDING IN THE STATE FOR AT LEAST 7 MONTHS DURING 2006"

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2. Page 1, line 18.

**Following:** "that"

**Insert:** "is a rental multifamily dwelling unit or a commercial building, and the parcel of land on which it is situated, or"

3. Page 1, line 25.

**Following:** "on"

**Insert:** ": (i) a rental multifamily dwelling or combination of dwellings or a commercial building, and the parcel of land on which it is situated, owned by the taxpayer or taxpayers residing in the state for at least 7 months during 2006; and  
(ii)"

Amendment **not** adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 24

Nays: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 26

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 139** - Senator Harrington moved **SB 139** do pass. Motion carried as follows:

Yeas: Brueggeman, Cocchiarella, Elliott, Esp, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 31

Nays: Bales, Balyeat, Barkus, Black, Brown, Cobb, Curtiss, Essmann, Jackson, Laible, McGee, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 19

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following

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manner:

**SB 35** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 70** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 126** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 47

Nays: Esp, McGee, Story.  
Total 3

Absent or not voting: None.  
Total 0

Excused: None.

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Total 0

**SB 150** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1 p.m., Monday, January 22, 2007. Motion carried.

Senate adjourned at 3:15 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

**SENATE JOURNAL  
60TH LEGISLATURE  
FOURTEENTH LEGISLATIVE DAY**

Helena, Montana  
January 22, 2007

Senate Chambers  
State Capitol

Senate convened at 1 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 44

Nays: Balyeat, Esp, Gebhardt, Jackson, O'Neil, Shockley.  
Total 6

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**MOTIONS**

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** moved the Senate Democrats recess until 1:30 p.m. for caucus. Motion carried. **SEN. COREY STAPLETON, SD 27, BILLINGS** moved the Senate Republicans recess for caucus. Motion carried.

Senate reconvened at 1:30 p.m. President Cooney presiding.

Roll Call. All members present. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 45

Nays: Balyeat, Gebhardt, Jackson, O'Neil, Shockley.  
Total 5

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

SENATE JOURNAL  
FOURTEENTH LEGISLATIVE DAY - JANUARY 22, 2007

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 316**, introduced by Elliott, referred to Taxation.

**SB 317**, introduced by Lewis, Elliott, Curtiss, Lind, Mendenhall, Erickson, Murphy, Tash, McAlpin, J. Peterson, Pomnichowski, Brueggeman, Williams, Story, MacLaren, Noonan referred to State Administration.

**SB 318**, introduced by J. Peterson, Jackson, Gebhardt, Williams, Jore, Lake, Rice, Barkus, Taylor, Brueggeman, Blasdel, W. Jones, Furey, Villa referred to Judiciary.

**SB 319**, introduced by Cocchiarella, Stoker, Nooney, Lake, Brown, Balyeat, Gillan, Everett, McGillvray, referred to Business, Labor, and Economic Affairs.

**SB 320**, introduced by Gillan, Weinberg, Lind, K. Peterson, Branae, Grinde, Small-Eastman, Becker, Gebhardt, Kitzenberg, Schmidt, Larson, Driscoll, Jopek, Moss, referred to Local Government.

**SB 321**, introduced by Brueggeman, referred to Business, Labor, and Economic Affairs.

**SB 322**, introduced by Brueggeman, Jore, Taylor, referred to Judiciary.

**SB 323**, introduced by Laslovich, MacLaren, Thomas, Klock, Smith, Harrington, Hansen, Ripley, Lewis, Wells, J. Peterson, Olson, Hiner, Small-Eastman, Barkus, Keane, Gebhardt, Brueggeman, Sonju, Nooney, Parker, Steinbeisser, Perry, L. Jones, O'Hara, Black, Kitzenberg, Bergren, Barkus, Stahl, Noonan, Blasdel, McNutt, Milburn, Windy Boy referred to Business, Labor, and Economic Affairs.

**SB 324**, introduced by Jackson, Gallus, Weinberg, McNutt, Sesso, Perry, Curtiss, Brown, Laslovich, referred to Natural Resources and Energy.

**SB 325**, introduced by Lewis, referred to Local Government.

The following House bills were introduced, read first time, and referred to committees:

**HB 10**, introduced by Franklin, referred to Finance and Claims.

**HB 36**, introduced by Musgrove, referred to Natural Resources and Energy.

**HB 122**, introduced by Keane, referred to Highways and Transportation.

**HB 126**, introduced by Keane, referred to Highways and Transportation.

**HB 127**, introduced by Keane, referred to Highways and Transportation.

**HB 137**, introduced by Villa, referred to Business, Labor, and Economic Affairs.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator J. Tropila in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 92** - Senator Steinbeisser moved **SB 92** do pass. Motion carried with Senator O'Neil, Brown voting nay.

**SB 112** - Senator Lewis moved **SB 112** do pass. Motion carried unanimously.

**SB 77** - Senator Laible moved **SB 77** do pass. Motion carried unanimously.

**SB 141** - Senator Laslovich moved **SB 141** do pass. Motion carried unanimously.

**SB 164** - Senator Gallus moved consideration of **SB 164** for the day. Motion carried unanimously.

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**SB 169** - Senator Laslovich moved **SB 169** do pass. Motion carried unanimously.

**SB 203** - Senator Balyeat moved **SB 203** do pass. Motion carried unanimously.

**SB 123** - Senator McGee moved **SB 123**, second reading copy, be amended as follows:

1. Title, line 7.

**Following:** "HOURS"

**Insert:** "OR AN EARLY CHILDHOOD DEVELOPMENT PROGRAM"

2. Page 1, lines 14 through 25.

**Strike:** lines 14 through 25 in their entirety

3. Page 2, line 15.

**Following:** "Kindergarten"

**Insert:** ", early childhood development,"

4. Page 2, line 27.

**Following:** "aid."

**Insert:** "(3) The trustees of an elementary district who do not designate a kindergarten program as a full-time program may establish an early childhood development program. The early childhood development program must focus on the educational needs of children enrolled in kindergarten through grade 3. The trustees of an elementary district establishing an early childhood development program shall ensure that all ANB funding received for 5-year-old children is used in the early childhood development program and is not diverted to other programs. The office of public instruction may develop reporting and tracking procedures to ensure that the requirements of this subsection are complied with."

5. Page 6, line 11.

**Following:** "program"

**Insert:** "or implementation of an early childhood development program"

6. Page 8, line 4.

**Following:** "program"

**Insert:** "or implementation of an early childhood development program"

7. Page 9, line 24.

**Following:** "program"

**Insert:** "or implementing an early childhood development program"

8. Page 9, line 25.

**Following:** "kindergarten"

**Insert:** "or implementing an early childhood development program"

9. Page 13, line 30.

**Following:** "program"

**Insert:** "or implementing an early childhood development program"

10. Page 14, line 1.

**Following:** "kindergarten"

**Insert:** "or implementing an early childhood development program"

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11. Page 17, line 29.

**Following:** "20-1-301"

**Insert:** "or implementing an early childhood development program as described in 20-7-117"

12. Page 18, line 3.

**Following:** "20-1-301"

**Insert:** "or implementing an early childhood development program as described in 20-7-117"

Amendment **not** adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Cobb, Curtiss, Esp, Essmann, Gebhardt, Laible, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 21

Nays: Brueggeman, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 29

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 123** - Senator Williams moved **SB 123** do pass. Motion carried as follows:

Yeas: Bales, Black, Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 36

Nays: Balyeat, Barkus, Brown, Curtiss, Esp, Essmann, Jackson, McGee, Murphy, O'Neil, Shockley, Stapleton, Steinbeisser, Tash.

Total 14

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman J. Tropila moved the Committee of the Whole report be adopted. Report adopted unanimously.

**THIRD READING OF BILLS**



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The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 83** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 85** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 48

Nays: Jackson, O'Neil.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 104** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 139** passed as follows:

Yeas: Brueggeman, Cocchiarella, Elliott, Esp, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 32

Nays: Bales, Balyeat, Barkus, Black, Brown, Cobb, Curtiss, Essmann, Jackson, McGee, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 18

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**MOTIONS**

**SEN. TRUDI SCHMIDT, SD 11, GREAT FALLS** moved to redirect **SB 112** to the Finance and Claims Committee. Motion carried.

**LEGISLATIVE ADMINISTRATION** (Smith, Chairman):

We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 5 p.m., Friday, January 19, 2007:

<u>TITLE</u>	<u>NAME</u>
Pages:	Adam Terrio, Helena
	Clark Barker, Helena
	Katherine Stanfield, Polson

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, January 22, 2007:

<u>TITLE</u>	<u>NAME</u>
Pages:	Colin Cooney, Helena
	Kayla Adams, Kalispell
	Sarah Conn, Helena
	Karl Bjelland, Conrad
	Margaret Koenig, Kalispell
	Brad Larson, Townsend
	Tom Stene, Joliet

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Report Adopted.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1 p.m., Tuesday, January 23, 2007. Motion carried.

Senate adjourned at 3:12 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

**SENATE JOURNAL  
60TH LEGISLATURE  
FIFTEENTH LEGISLATIVE DAY**

Helena, Montana  
January 23, 2007

Senate Chambers  
State Capitol

Senate convened at 1 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. **SEN. GERALD PEASE, SD 21, LODGE GRASS** excused. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 43

Nays: Balyeat, Esp, Gebhardt, Jackson, O'Neil, Shockley.

Total 6

Absent or not voting: None.

Total 0

Excused: Pease.

Total 1

**MESSAGES FROM THE OTHER HOUSE**

**House bill** passed and transmitted to the Senate for concurrence: 1/22/2007

**HB 76**, introduced by McNutt

**House bill** passed and transmitted to the Senate for concurrence: 1/22/2007

**HB 86**, introduced by Musgrove

**House bill** passed and transmitted to the Senate for concurrence: 1/22/2007

**HB 124**, introduced by French

**House bill** passed and transmitted to the Senate for concurrence: 1/22/2007

**HB 128**, introduced by Becker

**House bill** passed and transmitted to the Senate for concurrence: 1/22/2007

**HB 177**, introduced by Boggio

**House bill** passed and transmitted to the Senate for concurrence: 1/22/2007

**HB 206**, introduced by Ingraham

**House bill** passed and transmitted to the Senate for concurrence: 1/22/2007

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**HB 242**, introduced by Ripley

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 326**, introduced by Schmidt, referred to Public Health, Welfare and Safety.

**SB 327**, introduced by Lewis, Mendenhall, referred to Judiciary.

**SB 328**, introduced by Steinbeisser, Williams, Lind, Black, J. Peterson, Brueggeman, Murphy, Smith, referred to Agriculture.

**SB 329**, introduced by O'Neil, referred to Judiciary.

**SB 330**, introduced by O'Neil, Gebhardt, Barkus, Balyeat, referred to Judiciary.

**SB 331**, introduced by Gallus, referred to Business, Labor, and Economic Affairs.

**SB 332**, introduced by Juneau, Small-Eastman, Pease, Smith, Bixby, Jayne, Augare, referred to Taxation.

**SB 333**, introduced by Juneau, Smith, Small-Eastman, Jayne, Bixby, referred to State Administration.

**SB 334**, introduced by Pease, referred to Fish and Game.

**SB 335**, introduced by Tash, Ryan, referred to Education and Cultural Resources.

**SB 336**, introduced by Lind, Cobb, Campbell, Bixby, French, W. Jones, Larson, Hollenbaugh, Bergren, referred to Public Health, Welfare and Safety.

**SB 337**, introduced by Wanzenried, Gillan, Larson, Moss, Grinde, Van Dyk, Driscoll, Becker, Branae, Wilmer, Wiseman, Noonan, Harrington, Groesbeck, Sesso, Gallus, Villa, Parker, Cohenour, Cooney, Gallik, Kaufmann, Erickson, Henry, Hands, Williams, Lind, McAlpin, Wanzenried, Windy Boy, Bergren, Bixby, Small-Eastman, Smith, Jopek, referred to Natural Resources and Energy.

The following House bills were introduced, read first time, and referred to committees:

**HB 76**, introduced by McNutt, referred to Business, Labor, and Economic Affairs.

**HB 86**, introduced by Musgrove, referred to State Administration.

**HB 124**, introduced by French, referred to State Administration.

**HB 128**, introduced by Becker, referred to Judiciary.

**HB 177**, introduced by Boggio, referred to State Administration.

**HB 206**, introduced by Ingraham, referred to State Administration.

**HB 242**, introduced by Ripley, referred to State Administration.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Moss in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 60** - Senator Cobb moved **SB 60** do pass. Motion carried with Senator O'Neil voting nay.

**SB 36** - Senator Cocchiarella moved **SB 36** do pass. Motion carried unanimously.

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**SB 122** - Senator Kitzenberg moved **SB 122** do pass. Motion carried as follows:

Yeas: Black, Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Murphy, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 27

Nays: Bales, Balyeat, Barkus, Brown, Curtiss, Esp, Essmann, Gebhardt, Hawks, Jackson, Jent, Laible, Lewis, McGee, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 22

Absent or not voting: None.

Total 0

Excused: Pease.

Total 1

**SB 164** - Senator Gallus moved **SB 164** do pass. Motion carried unanimously.

**SB 133** - Senator Essmann moved **SB 133**, second reading copy, be amended as follows:

1. Title, line 7.

**Following:** "DATE"

**Insert:** "AND AN APPLICABILITY DATE"

2. Page 3, line 13.

**Following:** line 12

**Insert:** "NEW SECTION. Section 4. Applicability. [This act] applies to executions of judgment in actions resulting in judgment filed on or after [the effective date of this act]."

Amendment adopted unanimously.

**SB 133** - Senator Essmann moved **SB 133**, as amended, do pass. Motion carried unanimously.

**SB 152** - Senator Black moved **SB 152**, second reading copy, be amended as follows:

1. Title, lines 13 through 16.

**Following:** "DISTRICT;" on line 16

**Strike:** remainder of line 16 through "YEAR;" on line 16

2. Title, line 20.

**Strike:** "20-1-301, 20-3-205,"

**Strike:** "20-7-117,"

3. Title, line 21.

**Strike:** "20-9-308, 20-9-311, 20-9-313, 20-9-314,"

4. Page 4, line 17 through line 30.

**Strike:** section 9 in its entirety

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**Renumber:** subsequent sections

5. Page 6, line 20 through page 8, line 26.

**Strike:** section 11 in its entirety

**Renumber:** subsequent sections

6. Page 9, lines 7 through 21.

**Strike:** section 13 in its entirety

**Renumber:** subsequent sections

7. Page 12, line 19 through page 28, line 8.

**Strike:** sections 15 through 18 in their entirety

**Renumber:** subsequent sections

8. Page 32, line 3.

**Strike:** "24(3)"

**Insert:** "17(3)"

9. Page 33, line 18.

**Strike:** "10"

**Insert:** "9"

10. Page 33, line 19.

**Strike:** "10"

**Insert:** "9"

11. Page 33, line 20.

**Strike:** "22 through 24"

**Insert:** "15 through 17"

12. Page 33, line 21.

**Strike:** "22 through 24"

**Insert:** "15 through 17"

13. Page 33, line 23.

**Strike:** "10 and 12"

**Insert:** "9 and 10"

14. Page 33, line 25.

**Strike:** "9"

**Insert:** "8"

**Strike:** ", 13 through 26, and 28"

**Insert:** "through 19, and 21"

Amendment **not** adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 22

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Nays: Brueggeman, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 27

Absent or not voting: None.  
Total 0

Excused: Pease.  
Total 1

**SB 152** - Senator Ryan moved **SB 152** do pass. Motion carried as follows:

Yeas: Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 35

Nays: Bales, Balyeat, Barkus, Black, Curtiss, Esp, Essmann, McGee, Murphy, O'Neil, Shockley, Steinbeisser, Story, Tash.  
Total 14

Absent or not voting: None.  
Total 0

Excused: Pease.  
Total 1

**SB 47** - Senator Esp moved **SB 47** do pass. Motion carried unanimously.

**SB 71** - Senator Gebhardt moved **SB 71** do pass. Motion carried unanimously.

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Moss moved the Committee of the Whole report be adopted. Report adopted unanimously.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 77** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49



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Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Pease.  
Total 1

**SB 92** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 46

Nays: Brown, Essmann, O'Neil.  
Total 3

Absent or not voting: None.  
Total 0

Excused: Pease.  
Total 1

**SB 123** passed as follows:

Yeas: Bales, Black, Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Perry, Ryan, Schmidt, Smith, Squires, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 35

Nays: Balyeat, Barkus, Brown, Curtiss, Esp, Essmann, Jackson, McGee, Murphy, O'Neil, Peterson, Shockley, Stapleton, Steinbeisser, Tash.  
Total 15

Paired: Pease, Aye; Esp, No.

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 141** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams,

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Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Pease.  
Total 1

**SB 169** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Pease.  
Total 1

**SB 203** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Pease.  
Total 1

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

SENATE JOURNAL  
FIFTEENTH LEGISLATIVE DAY - JANUARY 23, 2007

Majority Leader Williams moved that the Senate adjourn until 1 p.m., Wednesday, January 24, 2007. Motion carried.

Senate adjourned at 2:18 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

**SENATE JOURNAL  
60TH LEGISLATURE  
SIXTEENTH LEGISLATIVE DAY**

Helena, Montana  
January 24, 2007

Senate Chambers  
State Capitol

Senate convened at 1 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senator Pease, excused. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 44

Nays: Balyeat, Gebhardt, Jackson, O'Neil, Shockley.  
Total 5

Absent or not voting: None.  
Total 0

Excused: Pease.  
Total 1

**REPORTS OF STANDING COMMITTEES**

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Cocchiarella, Chairman):

1/24/2007

**SB 42**, do pass. Report adopted.

**SB 53**, introduced bill, be amended as follows:

1. Page 1, line 27.

**Strike:** "serves"

**Insert:** "benefits"

2. Page 1, line 28.

**Following:** "residents"

**Insert:** "and that benefit outweighs the potential increased cost to the public and limitation on competition"

And, as amended, do pass. Report adopted.

**SB 54**, do pass. Report adopted.

**SB 157**, introduced bill, be amended as follows:

1. Title, line 7.

**Following:** "33-1-201,"

**Strike:** "33-1-603,"

**Insert:** "33-1-311,"

**Following:** "33-4-312,"

**Strike:** "33-4-505,"

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2. Title, line 8.

**Following:** "33-20-1315,"

**Insert:** "33-22-121, 33-22-122,"

3. Page 2.

**Following:** line 17

**Insert:** "Section 2. Section 33-1-311, MCA, is amended to read:

**"33-1-311. General powers and duties.** (1) The commissioner shall enforce the applicable provisions of the laws of this state and shall execute the duties imposed on the commissioner by the laws of this state.

(2) The commissioner has the powers and authority expressly conferred upon the commissioner by or reasonably implied from the provisions of the laws of this state.

(3) The commissioner shall administer the department to ensure that the interests of insurance consumers are protected.

(4) The commissioner may conduct examinations and investigations of insurance matters, in addition to examinations and investigations expressly authorized, as the commissioner considers proper, to determine whether any person has violated any provision of the laws of this state or to secure information useful in the lawful administration of any provision. The cost of additional examinations and investigations must be borne by the state.

(5) The commissioner shall maintain as confidential any information or document received from:

(a) the national association of insurance commissioners; or

(b) an insurance department from another state ~~or~~, a federal agency, or a foreign government that treats the same information or document as confidential. The commissioner may provide information or documents, including information or documents that are confidential, to the national association of insurance commissioners, a state or federal law enforcement agency, a federal agency, a foreign government, or an insurance department in another state, if the recipient agrees to maintain the confidentiality of the information or documents.

(6) The department is a criminal justice agency as defined in 44-5-103."

**Renumber:** subsequent sections

4. Page 2, line 19 through page 3, line 1.

**Strike:** section 2 in its entirety

**Renumber:** subsequent sections

5. Page 3, line 14 through page 4, line 10.

**Strike:** section 4 in its entirety

**Renumber:** subsequent sections

6. Page 7, line 10.

**Following:** "disposition"

**Insert:** "resulting in disciplinary action"

**Following:** "against"

**Insert:** "or a conviction of"

7. Page 7, line 15.

**Following:** "(b)"

**Insert:** "(i)"

**Following:** line 16

**Insert:** "(ii) The term does not include an action that is dismissed or that results in an acquittal, for which no report is necessary."

8. Page 13.

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**Following:** line 5

**Insert:** "Section 13. Section 33-22-121, MCA, is amended to read:

**"33-22-121. Notice required for cancellation or refusal to renew.** (1) An insurer may not cancel or refuse to renew a disability insurance policy or certificate until the insurer has mailed or delivered to the named insured and to the policyowner, or certificate holder, as appropriate if they are not the same as the named insured, at the last-known ~~post office~~ address shown in the records of the company, one written notice in addition to any billing statement, stating the date the cancellation ~~or refusal to renew~~ will become effective, which may not be ~~less~~ earlier than:

(a) ~~30 days after the date of mailing or delivery of the notice of cancellation for nonpayment of premiums or a material misrepresentation contained in the application~~ the beginning of the period for which premiums have not been paid in full if the notice of cancellation for nonpayment of premiums is mailed or delivered within 15 days after the due date of the missed premiums for that period;

(b) the date of mailing or delivery of notice of cancellation for nonpayment of premiums if notice of cancellation for nonpayment of premiums is not mailed or delivered within 15 days after the premium due date for the applicable policy period; or

~~(b)(c)~~ (c) 90 days after the date of mailing or delivery of the notice of cancellation or refusal to renew for any reason other than nonpayment of premiums or a material misrepresentation contained in the application.

(2) An insurer shall give notice of cancellation at least 30 days in advance of cancellation for nonpayment of premiums or 90 days in advance of cancellation or refusal to renew for any reason other than nonpayment of premiums or a material misrepresentation contained in the application.

(3) An insurer may not cancel a disability insurance policy or a certificate based upon nonpayment of premiums if the premiums are paid in full within the 30-day notice period.

~~(2)(4)~~ (4) The notice requirements in ~~subsection~~ subsections (1) and (2) run concurrently with any grace period required by 33-22-206."

**Insert:** "Section 14. Section 33-22-122, MCA, is amended to read:

**"33-22-122. Contents of notice -- proof -- limitation on recovery -- exemptions.** (1) (a) The notice of cancellation must state:

(i) the amount of the premium, installment, or interest due on the policy or certificate;

(ii) the place where it must be paid; and

(iii) the name and address of the person or company to which the premium is payable.

(b) The notice must also state:

(i) that, unless the premium or other sums are paid to the company or its insurance producer, the policy or certificate will lapse or be forfeited will be canceled; and

(ii) the date, determined in accordance with 33-22-121, on which cancellation will become effective.

(2) "Policyowner" or "certificate holder", as used in this section, means the owner of the policy or certificate or any other person designated as the person to receive premium notices, as shown by the records of the insurance company.

(3) ~~The affidavit of~~ If any responsible officer, clerk, or insurance producer of the insurance company authorized to mail the notice states in an affidavit that it is the standard practice of the company to mail to policyowners or certificate holders the notice required by this section, the affidavit is prima facie evidence that the notice has been ~~duly~~ given.

(4) An action may not be maintained to recover under a lapsed or forfeited policy or certificate on the ground that the insurance company failed to comply with this section unless the action is instituted within 2 years from the due date upon which default was made in paying the premium, installment, or interest for which lapse or forfeiture is claimed.

(5) Section 33-22-121 does not apply to:

(a) ~~group or group-type policies~~ health plans; or

(b) industrial life or industrial disability policies.""

**Renumber:** subsequent sections

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9. Page 25, line 11.

**Strike:** "17"

**Insert:** "18"

And, as amended, do pass. Report adopted.

**FINANCE AND CLAIMS** (Schmidt, Chairman):

1/24/2007

**HB 1**, be amended as follows:

1. Page 1, line 14.

**Strike:** "\$2,576,550"

**Insert:** "\$2,651,550"

2. Page 1, line 15.

**Strike:** "4,467,043"

**Insert:** "4,617,043"

And, as amended, be concurred in. Report adopted.

**FISH AND GAME** (Tropila, Chairman):

1/24/2007

**SB 115**, do pass. Report adopted.

**JUDICIARY** (Laslovich, Chairman):

1/24/2007

**SB 2**, introduced bill, be amended as follows:

1. Title, line 5.

**Strike:** "DRINKING AND"

**Following:** "DRIVING"

**Insert:** "UNDER THE INFLUENCE"

2. Page 1, line 19 through line 20.

**Following:** "that" on line 19

**Strike:** remainder of line 19 through "law" on line 20

**Insert:** "can be made to current laws related to driving under the influence"

And, as amended, do pass. Report adopted.

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 338**, introduced by Murphy, referred to Local Government.

**SB 339**, introduced by Murphy, Hawks, Cobb, Tash, Lewis, Barkus, Stapleton, Wanzenried, Sinrud referred to Local Government.

**SB 340**, introduced by Gillan, referred to Judiciary.

**SB 341**, introduced by Lewis, referred to State Administration.

**SB 342**, introduced by Squires, referred to Judiciary.

**SB 343**, introduced by Bales, referred to Business, Labor, and Economic Affairs.

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The following House bills were introduced, read first time, and referred to committees:

**HB 121**, introduced by McChesney, referred to Highways and Transportation.

**HB 226**, introduced by Cohenour, referred to Fish and Game.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Cocchiarella in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 45** - Senator Weinberg moved **SB 45** do pass. Motion carried unanimously.

**SB 95** - Senator Smith moved **SB 95** do pass. Motion carried unanimously.

**SB 22** - Senator Esp moved **SB 22**, second reading copy, be amended as follows:

1. Page 1, line 15.

**Strike:** "175%"

**Insert:** "150%"

**Following:** "level"

**Insert:** ", at a higher level up to 175% of the federal poverty level determined by the budget director as provided in subsection (5),"

2. Page 1, line 29.

**Following:** line 28

**Insert:** "(5) In order to maximize the use of federal funding, the budget director shall determine when there is sufficient funding, including general fund money, for the program, that the funding is sustainable in the anticipated federal granting period, and that there are uninsured persons who could be served. The budget director shall certify the conditions to the legislative finance committee and may direct the department to increase the percentage of the poverty level established in subsection (1)(b) in order to increase the number of persons who may be eligible to participate."

Amendment adopted unanimously.

**SB 22** - Senator Weinberg moved **SB 22**, as amended, do pass. Motion carried as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lind, Moss, Murphy, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 33

Nays: Bales, Balyeat, Barkus, Black, Brown, Jackson, Lewis, McGee, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 16

Absent or not voting: None.

Total 0



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Excused: Pease.  
Total 1

**SB 65** - Senator Cobb moved **SB 65** do pass. Motion carried unanimously.

**SB 137** - Senator Laible moved **SB 137** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Black, Brueggeman, Cobb, Cocchiarella, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lind, Moss, Murphy, Ryan, Schmidt, Shockley, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 35

Nays: Barkus, Brown, Curtiss, Esp, Jackson, Lewis, McGee, O'Neil, Perry, Peterson, Stapleton, Steinbeisser, Story, Tash.  
Total 14

Absent or not voting: None.  
Total 0

Excused: Pease.  
Total 1

Senator O'Neil moved **SB 15** be amended as follows:

1. Title, line 5.

Following: "DATE"

Strike: "AND"

Insert: ", "

2. Title, line 6.

Following: "DATE"

Insert: ", AND A TERMINATION DATE"

3. Page 3, line 18.

Following: line 17

**Insert:**        "NEW SECTION. **Section 6. Termination.** [This act] terminates October 1, 2011."

Amendment **not** adopted as follows:

Yeas: Balyeat, Brown, Cobb, Cocchiarella, Elliott, Esp, Gebhardt, Harrington, Jackson, Juneau, Lind, Moss, O'Neil, Shockley, Weinberg, Williams.  
Total 16

Nays: Bales, Barkus, Black, Brueggeman, Curtiss, Essmann, Gallus, Gillan, Hansen, Hawks, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, McGee, Murphy, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Mr. President.  
Total 33

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Absent or not voting: None.  
Total 0

Excused: Pease.  
Total 1

Senator O'Neil moved **SB 15** be amended as follows:

1. Page 2, line 4.  
Following: "from"  
Strike: "funeral"  
Insert: "burial"

2. Page 2, line 11 through line 12.  
Following: "within" on line 11  
Strike: remainder of line 11 through the first "funeral" on line 12  
Insert: "600 feet of a burial"

3. Page 2, line 25 through line 26.  
Strike: subsection (b) in its entirety  
Re-number: subsequent subsection

Amendment **not** adopted as follows:

Yeas: Bales, Balyeat, Brown, Cocchiarella, Elliott, Gebhardt, Harrington, Laslovich, Lind, Moss, O'Neil, Wanzenried, Weinberg, Williams, Mr. President.  
Total 15

Nays: Barkus, Black, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gallus, Gillan, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Lewis, McGee, Murphy, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila.  
Total 34

Absent or not voting: None.  
Total 0

Excused: Pease.  
Total 1

**SB 15** - Senator J. Tropila moved **SB 15** do pass. Motion carried as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Gillan, Hansen, Hawks, Jackson, Jent, Juneau, Laible, Larson, Laslovich, Lewis, McGee, Murphy, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Weinberg, Mr. President.  
Total 35

Nays: Balyeat, Brown, Cocchiarella, Elliott, Gallus, Harrington, Kaufmann, Kitzenberg, Lind, Moss, O'Neil, Story, Wanzenried, Williams.

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Total 14

Absent or not voting: None.

Total 0

Excused: Pease.

Total 1

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Cocchiarella moved the Committee of the Whole report be adopted. Report adopted unanimously.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 60** passed as follows:

Yeas: Bales, Balyeat, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 47

Nays: Barkus, O'Neil.

Total 2

Absent or not voting: None.

Total 0

Excused: Pease.

Total 1

**SB 36** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Pease.

Total 1

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**SB 122** passed as follows:

Yeas: Black, Brueggeman, Cobb, Cocchiarella, Gallus, Gillan, Hansen, Harrington, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Murphy, Ryan, Schmidt, Smith, Squires, Steinbeisser, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 27

Nays: Bales, Balyeat, Barkus, Brown, Curtiss, Elliott, Esp, Essmann, Gebhardt, Hawks, Jackson, Jent, Laible, Lewis, McGee, O'Neil, Perry, Peterson, Shockley, Stapleton, Story, Tash.  
Total 22

Absent or not voting: None.  
Total 0

Excused: Pease.  
Total 1

**SB 164** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Pease.  
Total 1

**SB 133** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Pease.

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Total 1

**SB 47** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Pease.

Total 1

**SB 71** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Pease.

Total 1

**SB 152** passed as follows:

Yeas: Black, Brown, Brueggeman, Cocchiarella, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, Stapleton, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 34

Nays: Bales, Balyeat, Barkus, Cobb, Curtiss, Esp, Essmann, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Steinbeisser, Story, Tash.

Total 16

Paired: Pease, Aye; Esp, No.

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate stand in recess until the hour of 6:40 p.m. this Legislative day.  
Motion carried.

Senate recessed at 4:01p.m.

Senate reconvened at 6:40 p.m. President Cooney presiding.

Roll Call:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 41

Nays: Balyeat, Gebhardt, O'Neil, Shockley.  
Total 4

Absent or not voting: None.  
Total 0

Excused: Cobb, Gillan, Hansen, Jackson, Pease.  
Total 5

**MOTIONS**

Majority Leader Williams moved that the Senate recess and proceed to the House of Representatives for the Governor's State of the State address. She further moved that upon adjournment of the joint session, the Senate will adjourn until 1:00 p.m., Thursday, January 25, 2007. Motion carried.

**STATE OF THE STATE ADDRESS**

GOVERNOR BRIAN SCHWEITZER  
JANUARY 24, 2007, 7:00 PM

Thank you. Mr. President, Mr. Speaker, Fellow Montanans, it is an honor to address this assembly of the 60th Legislature for the State of Montana.

Yesterday Nancy and I celebrated our 25th anniversary. I've learned a lot of lessons over the years on becoming a better husband. For example, in anniversaries gone by I would look around the house to find things that maybe we could improve around the house. One year I

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bought a vacuum cleaner. Big mistake. This year we celebrated her birthday in November, I looked around the house to see some things that Nancy didn't have and maybe she would like to have. And I noticed that she was missing something pretty important in her life. And so I bought her a Smith and Wesson .38 with a laser sight. When she opened the gift on her birthday she was very surprised, and I've learned a lesson: I won't buy her another pistol. So this year for our 25th wedding anniversary once again I had to look around the house and finally I decided I should buy something very uniquely Montanan and so I bought her a palladium ring, the palladium coming from Stillwater Mining and from my home country in the Judith Basin, a Yogo sapphire. Show them your ring.

My Mom and Dad are here, my daughter Katrina. Mom, Dad, thank you for believing, thank you for pushing, thank you for instilling that fight. And my good friend, John Bohlinger, my friend, my confidante. John, two and a half years ago we took a proposition to the people of Montana, we simply said are you ready to accept a Republican and a Democrat working together in the Executive Branch? Enough people agreed with us that they gave us the opportunity. During the course of the last two years I've been to all 56 counties and I'm here to report to you that the people of Montana want Democrats and Republicans to work together. Thank you.

Two years ago, the last time we gathered in this Chamber, we honored Bette Bohlinger who was fighting the courageous fight against leukemia in a hospital in Billings. We honor Bette. She lost that battle but she'll always be in our hearts as she is here today. We love you, Bette.

We lost others during the course of the last two years. Frank Morrison, Governor Tom Judge and Senator Pat Goodover, the Republican Senator from Great Falls who without his action we would still not be able to turn right on red. And during the last two years we've lost more than a dozen courageous Montana heroes in Iraq. Let's take a moment to remember them all.

Ten score and two years ago the first European American expedition came to Montana, and when Lewis and Clark entered Montana they began to describe this wondrous place, the wide rivers, the endless prairies, the beautiful mountains. They described the wildlife, the fisheries and they described the first Montanans that they encountered, the Crows, the Assiniboine, the Blackfeet and the Salish. They found that the first Montanans, these people of the Great Plains who had lived sustainably on this land for nearly 10,000 years had a notion of leadership. Their leaders, their elders had a notion about protecting the future generations. Every decision made by elders considers the consequences on the seventh generation.

As we consider the options that we have before us, let us not forget the future generations and the generations that will follow them. The first European settlers who came to this place we now call Montana, the miners, the loggers and the homesteaders like my four grandparents, they came to this place with really nothing more than the clothes on their back, high hopes and faith in God. And they considered the future generations. My grandparents and your grandparents who came to this place, they never believed that they individually would ever serve in a Chamber like this, they never believed that they would be the leaders of this state, the bankers, the leaders of Congress. They wanted the next generation to have those opportunities. They fought for the

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next generation and the generation that followed. They believed in a sustainable Montana as well. Let us remember we will be held responsible by the generations that follow us but we will be accountable to those who preceded us.

It was Teddy Roosevelt who in my opinion was the greatest President in the history of this country and, yes, he was a Republican. Teddy Roosevelt said, "We must treat each man on his worth and the merits as a man. We must see that each is given a square deal." Teddy Roosevelt was correct a hundred years ago and it's Teddy Roosevelt's ideals that have built what we call the Montana Square Deal.

The last time we gathered together I proclaimed to you Montana is open for business. And, boy, are we open for business. During the last 24 months we've created more than 24,000 jobs, more than 1,000 jobs per month. Our unemployment is the lowest in history, 2.8 %. There are more people working in Montana today than any time in the history of Montana. And for the first time in the history of Montana the wages in Montana are increasing at a faster rate than the average of the rest of the country. In fact, only two other states have wages increasing faster than Montana. Montana is open for business and on the move.

I've been on the move too. I've been to all 56 counties, been to the court houses and I've been outside of Montana. I've made some business trips outside of Montana. I went to Alberta a couple of times, met with some folks up there, and we attracted a company called Avmax to come to Great Falls. This company is in the business of repairing aircraft. They brought 98 jobs to Great Falls. We met with a transmission company who recently announced that they want to build a \$2 billion transmission line in Montana, called the Northern Lights Project. And another transmission company has announced that they would like to build a \$150 million transmission line from Lethbridge to Great Falls totally dedicated to clean green wind power.

I made a couple trips out to Seattle, met with some folks that used to be living in Montana, the Robbins family which were a great family from Butte, had started a wonderful business in Seattle, a foundry where they are employing hundreds of people. We talked to them about the opportunities of coming back to Butte and we provided to them the tools that they needed to be successful and now the Robbins family is back in Butte and employing 40 people. Welcome home.

I made a couple of trips to Denver and with the help of Senator Max Baucus we were able to land Direct TV and 700 new jobs in Missoula. We've been paying attention to Montana, we know collectively that Montana is on the move, we know that we're in a good economic place right now. But I'm here to tell you that Wall Street has also been paying attention. In fact, last week Budget Director Ewer and myself were on a conference call with Moody Investor Services and we told them about the position that we were in Montana and we described to them our budget and the amount of savings that we have included in this budget. And two days ago I read in a financial newspaper that Moody's has upgraded Montana's bond rating for the first time in 26 years.

The most reported news in Montana during the last three months is that Montana has a \$1 billion surplus. All of you legislators know where the \$1 billion are, but for the folks back home you need to understand that we don't actually have the billion dollars yet. This is a prediction,



this is a projection that if the wheat crop comes in for the next couple of years and the price of cattle remains high, if the rain comes on time, if the price of platinum and palladium and copper and gold stay high, if the stock market continues to grow, if the oil and gas prices stay high and Montana continues to develop our natural resources, at the end of two and a half years we may indeed have \$988 million more than we had in the last biennium.

So a Montana family, a Montana working family if their boss came to them and they said, you know, I think we're going to grow this business and if we grow it at the rate that I think we will, at the end of a two-year period I'll give you a \$1,000 bonus. Now how many families in Montana would rush home and say let's blow it, let's spend it? Some would. Some would put a down payment on a snowmobile, some would buy a pickup, others would buy a pistol for their wife. But still other families would say, no, we better save some of that money. Other families would say, how about if we put some in health care, we'll help our children with education, we'll put some money away for a college fund and we'll make our home a little more secure. Still others would say, we have some maintenance that we must do on our home, we have a leak in the roof above the garage and the city's been after us on that concrete out in front of our house for years, we'll do those long-term maintenance projects. That's what most families would do in Montana, and we have proposed a budget that's exactly like those families and small businesses would do across Montana.

For every dollar spent, a dollar saved. We're proposing to spend roughly \$400 million in ongoing projects. Roughly \$400 million in tax cuts and savings accounts and roughly \$200 million in long term construction projects. Let's talk about what those plans are. The \$400 million that we're spending ongoing, we're spending it for things that the state of Montana and most states spend their money on: education, medication and incarceration. Let's talk about education first. We're putting more money in K12, we're putting more money in higher education, in fact we've proposed to the Board of Regents that if we put \$50 million new money in higher education, they have agreed – we have a gentleman's handshake – that they will not increase tuition for the next two years, and that would be the first two years in 20 years that tuition is not increased. We'll put more money in K12 so we can attract teachers and keep them. In fact, we have proposed that when a young teacher graduates from college in Montana and is thousands of dollars in debt, if they will agree to teach in some of our rural schools across Montana, we will forgive a portion of their debt every year that they teach in Montana for up to four years and so that young teacher who has a \$20,000 debt and agrees to teach with Carol Lambert in Broadus, we will forgive \$3,000 of that debt for four consecutive years and Broadus will have a bright new young teacher.

We've asked you to put more money in the Best and Brightest Scholarship Program so that middle class families like the one that I came from whose parents didn't even graduate from high school but had a dream of sending the next generation to college, let's help these kids with scholarships. We've called it the Best and Brightest Scholarship Program and we believe that we can put more money out there so more kids will graduate from Montana colleges and universities.

And Linda McCulloch has been after me for years for full-time kindergarten. For the last

seven years, Linda's been telling me the benefits of full-time kindergarten. I tell you when I ran for governor I didn't say to the people of Montana I have an idea, full-time kindergartens. Actually I said to the people of Montana we need to train Montana's work force for the jobs that we're creating tomorrow in Montana. I knew that we needed to invest in higher education, in particular our two-year programs. I knew that we needed to invest in K12, but Linda continued to say, Brian, the best investment is full-time kindergarten.

Well, I've learned a little bit over the course of the last couple of years, Linda. I was at a Western Governors Association conference and we had three specialists who are renowned around the world. They are all published authors, people who had studied the education systems in Finland, Singapore and Germany and compared them to the states in the United States. They told us what we were doing right, they told us what we were doing wrong. And when they completed their discussion, one of them being an expert in K12, one of them was an expert in two-year colleges and one of them was an expert in universities, I had a question. I said to them, I'm going to make each of you governor of Montana for a day and I'm only going to give you one additional dollar for education. Where would you spend it? You're the experts.

So first the K12 expert considered it for a moment and she said if I only had one additional dollar I would put it in early education. Well, that's interesting. How about you, I said to the expert in two-year colleges, where would you put one extra dollar if you were governor for a day? He considered it and said if I only had one extra dollar I'd put it in full-time kindergarten. It surprised me. So I turned to the university specialist and I said where would you put the extra buck? And that person too said I would put it in early education.

And then later at a conference that we held here in Montana, sponsored by the National Governor's Association and Montana businesses – it was a conference on early education – a fellow by the name of Art Rolnick, an economist with the Federal Reserve in Minneapolis, spoke to us and he had studied education for some period of time. Mr. Rolnick said to us that there was a study conducted about 25 years ago, talked about a lot of studies but he focused on a special study. This one looked at families. One sibling was given the opportunity of full-time kindergarten, another did not. And then they followed the progress of these children and they found that the one who had full-time kindergarten was, imagine this, more successful in the first grade but also more successful in eighth grade, more likely to graduate from high school, less likely to be involved in correction systems, more likely to graduate from university, and at the end of 25 years had a higher salary than the ones who didn't have full-time kindergarten. Art Rolnick said to us that he's applied some economic measures and he says the investment that you make today in early education pays up to a 16 % dividend until that child goes to the work force. That's the best education that we can provide in Montana. Thank you, Linda McCulloch, for being a great leader.

Montana's population put in corrections is increasing at a faster rate than almost any other state. We have one of the highest percentages of our population involved in the corrections system. 93% of the people in our correction system today are there in part because of drug and alcohol addiction and more than 50% of a mental illness. And yet our correction system continues to warehouse people. We have sentencing in the hinterland, we send them to Deer

Lodge or Billings. They spend their time, they go home, they commit another crime and they end up back in the correction system and we have not treated the underlying cause, the drug or alcohol addiction, the mental illness. So we are challenging our corrections and health and human services to work together so that we are actually treating the root cause of these offenders because if we can treat the root cause, the mental illness, the drug or alcohol addiction, we will have more people in our communities more productive and fewer of these people in our correction system that has become a bloated part of our budget.

Thank you, John Morrison, for helping us when we started the Insure Montana Program. We have a proposal during this legislative session to put enough money so that we can add a thousand more employees in small businesses to the Insure Montana Program and more families in Montana will be insured. We need to increase our home based services and our community based services so that we can provide these Medicaid dollars closer to home so that people that we're treating we can treat with more dignity in their own community, in their own home and it's more efficient.

I thank Senator Dan Weinberg for proposing Senate Bill 22 to increase the child health insurance program of a compensation level from 150% of the federal poverty rate to 175%. That will increase by 3,000 children that we can insure in Montana. Thank you, Senator Weinberg.

There it is. You've heard pretty much how we're proposing to spend the \$400 million. Now let's talk about how we're going to save and how we'll have tax cuts of 400 million. Let start with tax cuts. We're proposing to send a \$400 check to 250,000 homeowners in Montana. Why pick homeowners first? Because as you know during the last 15 years as other classes of property taxes have been reduced, it's forced local school districts to raise their mill levies and so homeowners have had their tax bills go up as much as 50% to 75%. It is time for Montana working families to get a break and that's what that is about. That's politics.

So there is somebody out there in Montana right now saying what about me, I'm a small business person, how come I'm not getting a tax break? Well, hold on to your hat, cowboy, because you are. We're proposing other tax breaks. We're proposing to raise the level of the business equipment tax exemption from \$20,000 to \$150,000. Think about this, if you're a farmer or a rancher like me or a plumbing contractor, electrical contractor, concrete contractor and during the last 10 years you bought let's say six, seven hundred thousand dollars worth of business equipment, you've depreciated that equipment and now the value of that equipment is \$149,999. We're proposing to eliminate your business equipment tax and save you \$4,500. Pretty good for the small businessman in Montana.

But we're not done. As you know, we've proposed to suspend the water tax, the same business person may well have a spring and two wells paying 20 bucks on each one, 20 times three is 60 bucks. And they also own a home, so let's add it up. This small businessman in Montana gets \$4,500 plus \$400 for the home plus 60 bucks for water, the whole tax cut comes to 4960 bucks. That's real tax relief for real small businessmen in Montana.

So let's get talking about the savings, the best part of our budget. We are proposing an ending fund balance of \$100 million, effectively moving \$100 million from Montana's checking account to Montana's savings account. And thanks to the efforts of Senator Rick Laible we're

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proposing the Big Sky Savings Account and for the first time in Montana's history not only will we have a savings account but we've got \$80 million bucks to put in it. Thank you, Senator Laible.

There is more. So we told you that we're going to move \$100 million from our checking account to our savings account. We told you that we're going to have a money market account and it's the Big Sky Savings Account. Well, there is another one you can call the 30-year bond. As you recall in 1991, in 2001 we changed the compensation level that state employees receive on their pension plan. And when I arrived on this job, I was told by the economist we had about a \$1 billion plus fiscal imbalance in our pension plan. So in the last legislative session, thank you very much, you put \$125 million toward paying down this problem. This time we're proposing another \$100 million and we're proposing a big change for any new state employee. This doesn't affect a single employee who is currently working for the state of Montana. Only new employees will be paying in at a higher rate so that they, when they retire, won't have a fiscal imbalance in the pension plan. This alone adds a \$400 million stability to our pension plan, we've created a balance of \$625 million towards a billion dollar deficit in just two years. I guess in the next 20 years we'll do more.

And as you legislators know, when you go door to door and you're running for office and running for reelection, whether you're in Butte or Billings or Bozeman or even Great Falls, as you're visiting with the folks they say, you know, we really ought to have an addition at the College of Technology, we really ought to have a bridge across this river, we really ought to have a new roof on the civic center that we have here in our town. So dutifully, you're the elected person, you come down to this body and you say we really need to have this project in our town. But then you find out we really don't have the money to pay for it, so we've had long-term building funds. It's called bonding. Now bonding simply means that we borrow money from somebody in the future to pay for our priorities today, right? But in our budgets we have no bonding, we borrow no money, we pay as we go. This is the most conservative and fiscally responsible budget in the history of the state.

The things we're going to pay for with cash, we're going to create a super computer system that will be one of the largest in America at Montana Tech. We're going to invest \$26 million in the chemistry building in Gaines Hall in Montana State University. We're going to put money in to the crime lab and we have deferred maintenance all across this state, we have over \$130 million that we will pay cash for that previous legislatures have bonded. That's a fiscally responsible thing to do.

We need a little help from you. Dan Bucks who is my Revenue Director has been on a mission because I told him to go on one. I said to him, Dan, I want you to close loopholes. I want you to find ways that Montana can raise money without raising taxes. And he's been looking around at Montana's tax code and he's found some loopholes that people who are not residents of Montana are using. They are making money in Montana but not paying taxes in Montana. They are competing with Montana businesses by not paying taxes when Montana businesses do pay taxes. We have given them a competitive advantage over Montana businesses, and Dan Bucks has proposed some rule changes to this legislature that will raise \$60

million from non-Montanans who are making money in Montana. I want you to help Dan Bucks collect that \$60 million.

Last night many of us watched the State of the Union address. We heard President Bush tell us about our circumstance and our addiction to foreign oil. He had some solutions that had to do with creating more energy and conservation measures here in the United States. But it was President Jimmy Carter 28 years ago who said, "Energy will be the immediate test of our ability to unite this nation and the standard of which we rally. On the battlefield of energy we can win for our nation and seize control again our common destiny." He said those words when we only imported 42% of our oil, and today we import 65% of our oil from people all over the world. During the last two years in Montana we have completed and announced an amazing array of energy programs. The Centennial Electric plant in Butte, the coal-fired electric plants, the Judith Gap Wind Farm, the Great Falls Wind Farm and Conoco Phillips has announced they're going to spend \$400 million to update their refinery in Billings. The Northern Light Transmission Line, the Alberta Tie transmission line and Peabody Coal, the largest coal company in America, has announced that they would like to build a coal liquefaction plant for \$1 billion. And Arch Coal Company, the second largest coal company in America, has announced that they will be part of a consortium that builds a \$1 billion coal gasification and liquefaction plant in Senator Gebhardt and Representative Olson's home town of Roundup. Every one of these projects are larger than the collective energy development in the previous 20 years in Montana. Montana, we're on the move.

Montana can and we will lead in clean and green energy for this entire country with our wind power, our biofuels, our solar potential. And in Montana we're developing oil, we're one of only two states that increased our oil production during the last year and we'll increase it again next year. We're increasing our gas production. It was California who changed their law, who said that they will no longer buy electricity, they will no longer buy electricity from anyone who increases the amount of carbon dioxide in the atmosphere. They are the 900 pound gorilla in the western United States for purchasing electricity. If we're going to sell in to the California market, we will have to sell using wind power and coal gasification with sequestration. California will not accept and Montana should not put carbon dioxide in our atmosphere.

Last night President Bush has joined in the climate change debate. Several months ago Richard Oppen came to me and said, Brian, we ought to have a climate change advisory council. And there are two members of this body, Representative Sue Dickenson from Great Falls is a member of that advisory council and Senator Gary Perry is also part of that advisory council. Thank you for being ahead of your time.

We are proposing historic and dramatic property tax decreases for companies that build clean and green in Montana. For transmission lines, for pipelines, for pipelines carrying carbon dioxides, for coal gasification plants when they sequester the carbon dioxide, for manufacturing the biofuels and wind power, for fuel cell development using Montana Stillwater palladium and last but not least electric car manufacturing. Montana is on the move. Republican Governor Joe Dixon said our greatest national heritage is nature itself. And when combined with our national parks it becomes of unlimited value. He was joined by Mr. President's grandfather,

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Governor Frank Cooney, dedicating the building of the Going to the Sun Highway when he said, "There is no Highway which we'll get to see as the lover of grandeur of the Creator's handiwork, more thrills, more genuine satisfaction deep in his being than a trip over this road." Democrats, Republicans have agreed for a hundred years that the greatest treasure of the Treasure State is our wild places, our rivers, our mountains, our wildlife, our parks and our ability to access our public lands. That's something Democrats and Republicans agree on.

And working families from one corner of this state to the other access our public lands and in many cases our parks, and our places for accessing our rivers are becoming full. And at the same time the price of real estate is increasing at a very rapid rate in Montana. That's why we are proposing a \$15 million purchase of more access sites on our rivers and streams, more state parks, and this will be a legacy that you can send to the seventh generation of youth. Montana is unique in the Rocky Mountains in that the citizens of Montana have a constitutional right to access our streams. Senator Lane Larson, thank you for protecting our right to access our streams. And, Legislature, work together, maintain our access for future generations.

On my first full day on this job I rode a helicopter to Troy to my first military funeral. I've been to many more since, and yesterday I was at another one. I was with the families when they sent their loved ones to Iraq. I was in Ft. Lewis and Belgrade and Helena when they came home from Iraq. I was with the families when we sent our heroes to New Orleans and I visited our heroes in New Orleans. I visited our heroes in Iraq, Kuwait and Afghanistan. And I know this, that when our men and women serve overseas, there is someone who has a greater sacrifice at the end of the day, their families, their families back home. So that's why I thank Julie French who has proposed House Bill 179 that will make a one-time payment to these families when we call their loved one to active service. Thank you for remembering the families, Julie.

As you know, we will be together here for about 90 days. We've already started to move education and tax cut bills, over to the House, the House is doing some other work. Please do not delay the process, move the process along. The 90 days will come and go very quickly because the people back home will judge us by our contributions, not for the late nights, not for the early mornings, not for the speeches delivered. Do not allow the partisan among us to destroy the good intentions of the majority of Montana.

And as Matthew 12:33 reminds us, "for a tree will be known by its fruits." Members of the 60th Legislature, let our efforts bear fruit for this generation and the generations to follow.

God bless your families, God bless Montana and God bless America.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

**SENATE JOURNAL  
60TH LEGISLATURE  
SEVENTEENTH LEGISLATIVE DAY**

Helena, Montana  
January 25, 2007

Senate Chambers  
State Capitol

Senate convened at 1 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call: Senators Cobb, Hansen, and Peace excused. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 41

Nays: Balyeat, Esp, Gebhardt, Jackson, O'Neil, Shockley.  
Total 6

Absent or not voting: None.  
Total 0

Excused: Cobb, Hansen, Pease.  
Total 3

**REPORTS OF STANDING COMMITTEES**

**HIGHWAYS AND TRANSPORTATION** (Pease, Chairman): 1/25/2007  
**SB 251**, do pass. Report adopted.

**JUDICIARY** (Laslovich, Chairman): 1/25/2007  
**SB 125**, introduced bill, be amended as follows:

1. Title, line 9.  
**Strike:** "PROVIDING SENTENCING ALTERNATIVES;"
2. Title, line 10 through line 12.  
**Following:** "CIRCUMSTANCES;" on line 10  
**Strike:** remainder of line 10 through "SERVICES;" on line 12
3. Title, line 12.  
**Strike:** "3-5-901, 46-14-202,"
4. Title, line 13.  
**Following:** "AND"  
**Strike:** "46-14-312,"  
**Insert:** "53-21-127,"
5. Page 1, line 17 through page 4, line 22.  
**Strike:** section 1 through section 2 in their entirety

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**Renumber:** subsequent sections

6. Page 7, line 9 through line 20.

**Following:** "medication." on line 9

**Strike:** remainder of line 9 through "administered." on line 20

7. Page 7, line 21.

**Strike:** "(c)"

**Insert:** "(b)"

8. Page 8, line 29 through line 30.

**Following:** "medication" on line 29

**Strike:** remainder of line 29 through "treatment" on line 30

**Insert:** "facilitates effective treatment and, considering less intrusive alternatives, is necessary to protect the safety of the defendant or others"

9. Page 10, line 13 through line 14.

**Following:** "medication" on line 13

**Strike:** remainder of line 13 through "treatment" on line 14

**Insert:** "facilitates effective treatment and, considering less intrusive alternatives, is necessary to protect the safety of the defendant or others"

10. Page 10, line 20 through page 13, line 2.

**Strike:** section 6 in its entirety

11. Page 13, line 3.

**Following:** line 2

**Insert:** "**Section 4.** Section 53-21-127, MCA, is amended to read:

**"53-21-127. Posttrial disposition.** (1) If, upon trial, it is determined that the respondent is not suffering from a mental disorder or does not require commitment within the meaning of this part, the respondent must be discharged and the petition dismissed.

(2) If it is determined that the respondent is suffering from a mental disorder and requires commitment within the meaning of this part, the court shall hold a posttrial disposition hearing. The disposition hearing must be held within 5 days (including Saturdays, Sundays, and holidays unless the fifth day falls on a Saturday, Sunday, or holiday), during which time the court may order further evaluation and treatment of the respondent.

(3) At the conclusion of the disposition hearing and pursuant to the provisions in subsection (7), the court shall:

(a) subject to the provisions of 53-21-193, commit the respondent to the state hospital or to a behavioral health inpatient facility for a period of not more than 3 months;

(b) commit the respondent to a community facility or program or to any appropriate course of treatment, which may include housing or residential requirements or conditions as provided in 53-21-149, for a period of:

(i) not more than 3 months; or

(ii) not more than 6 months in order to provide the respondent with a less restrictive commitment in the community rather than a more restrictive placement in the state hospital if a respondent has been previously involuntarily committed for inpatient treatment in a mental health facility and the court determines that the admission of evidence of the previous involuntary commitment is relevant to the criterion of predictability, as provided in 53-21-126(1)(d), and outweighs the prejudicial effect of its admission, as provided in 53-21-190; or

(c) commit the respondent to the Montana mental health nursing care center for a period of not more than 3 months if the following conditions are met:

(i) the respondent meets the admission criteria of the center as described in 53-21-411 and established in



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administrative rules of the department; and

(ii) the superintendent of the center has issued a written authorization specifying a date and time for admission.

(4) Except as provided in subsection (3)(b)(ii), a treatment ordered pursuant to this section may not affect the respondent's custody or course of treatment for a period of more than 3 months.

(5) In determining which of the alternatives in subsection (3) to order, the court shall choose the least restrictive alternatives necessary to protect the respondent and the public and to permit effective treatment.

(6) The court may authorize the chief medical officer of a facility or a physician designated by the court to administer appropriate medication involuntarily if the court finds that involuntary medication ~~is necessary to protect the respondent or the public or to facilitate effective treatment~~ facilitates effective treatment and, considering less intrusive alternatives, is necessary to protect the safety of the patient or others. Medication may not be involuntarily administered to a patient unless the chief medical officer of the facility or a physician designated by the court approves it prior to the beginning of the involuntary administration and unless, if possible, a medication review committee reviews it prior to the beginning of the involuntary administration or, if prior review is not possible, within 5 working days after the beginning of the involuntary administration. The medication review committee must include at least one person who is not an employee of the facility or program. The patient and the patient's attorney or advocate, if the patient has one, must receive adequate written notice of the date, time, and place of the review and must be allowed to appear and give testimony and evidence. The involuntary administration of medication must be again reviewed by the committee 14 days and 90 days after the beginning of the involuntary administration if medication is still being involuntarily administered. The mental disabilities board of visitors and the director of the department of public health and human services must be fully informed of the matter within 5 working days after the beginning of the involuntary administration. The director shall report to the governor on an annual basis.

(7) Satisfaction of any one of the criteria listed in 53-21-126(1) justifies commitment pursuant to this chapter. However, if the court relies solely upon the criterion provided in 53-21-126(1)(d), the court may require commitment only to a community facility or program or an appropriate course of treatment, as provided in subsection (3)(b), and may not require commitment at the state hospital, a behavioral health inpatient facility, or the Montana mental health nursing care center.

(8) In ordering commitment pursuant to this section, the court shall make the following findings of fact:

(a) a detailed statement of the facts upon which the court found the respondent to be suffering from a mental disorder and requiring commitment;

(b) the alternatives for treatment that were considered;

(c) the alternatives available for treatment of the respondent;

(d) the reason that any treatment alternatives were determined to be unsuitable for the respondent;

(e) the name of the facility, program, or individual to be responsible for the management and supervision of the respondent's treatment;

(f) if the order includes a requirement for inpatient treatment, the reason inpatient treatment was chosen from among other alternatives;

(g) if the order commits the respondent to the Montana mental health nursing care center, a finding that the respondent meets the admission criteria of the center and that the superintendent of the center has issued a written authorization specifying a date and time for admission; and

(h) if the order includes involuntary medication, the reason involuntary medication was chosen from among other alternatives."

And, as amended, do pass. Report adopted.

**SB 143**, introduced bill, be amended as follows:

1. Page 4, line 22.

**Following:** "sailboat"

**Insert:** "underway"

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2. Page 7, line 10 through line 12.

**Following:** "or other drug" on line 10

**Strike:** remainder of line 10 through "sailboat" on line 12

3. Page 9, line 2 through line 3.

**Strike:** subsection (iii) in its entirety

**Renumber:** subsequent subsections

And, as amended, do pass. Report adopted.

**SB 227**, introduced bill, be amended as follows:

1. Page 4, line 3.

**Following:** "business."

**Insert:** "Any levy on state funds is subordinate to the department of revenue's right of offset for delinquent taxes or other debt as provided in 15-30-149, 15-30-310, 15-31-404, 15-36-315, 15-39-106, 15-39-109, 15-68-516, 15-70-110, 15-72-113, Title 17, chapter 4, and 39-51-1307."

And, as amended, do pass. Report adopted.

**SB 228**, introduced bill, be amended as follows:

1. Title, line 4.

**Following:** "IN"

**Strike:** "THE"

**Insert:** "A"

2. Title, line 5.

**Following:** "REHABILITATION"

**Strike:** "AND IMPROVEMENT"

3. Title, line 6 through line 7.

**Following:** "OFFENSES" on line 6

**Strike:** remainder of line 6 through "PARTICIPATION" on line 7

**Insert:** "; ALLOWING A JUDGE TO ORDER AN OFFENDER TO PARTICIPATE"

4. Title, line 7.

**Following:** "IN"

**Strike:** "THE"

**Insert:** "A"

**Following:** "REHABILITATION"

**Strike:** "AND IMPROVEMENT"

5. Title, line 8.

**Following:** "IN"

**Strike:** "THE"

**Insert:** "A"

6. Title, line 9.

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**Following:** "REHABILITATION"  
**Strike:** "AND IMPROVEMENT"  
**Following:** "SECTIONS"  
**Strike:** "61-2-302,"

7. Page 1, line 14 through page 3, line 5.  
**Strike:** section 1 in its entirety  
**Renumber:** subsequent sections

8. Page 3, line 27.  
**Following:** "(6)"  
**Strike:** "A"  
**Insert:** "Unless otherwise provided by law, a"  
**Following:** "for"  
**Strike:** "the first"  
**Insert:** "any"  
**Following:** "misdemeanor"  
**Insert:** "or traffic"

9. Page 3, line 28.  
**Following:** "an offender"  
**Strike:** ", conditioned upon the offender's participation"  
**Insert:** ". The judge may order the offender to participate"  
**Following:** "in"  
**Strike:** "the"  
**Insert:** "a"  
**Following:** "rehabilitation"  
**Strike:** "and improvement"

10. Page 3, line 29.  
**Following:** line 28  
**Strike:** "established under 61-2-302"  
**Insert:** "approved by the department under 61-5-219"

11. Page 4, line 30.  
**Strike:** "4"  
**Insert:** "3"

12. Page 6, line 6 through line 7.  
**Following:** "if the" on line 6  
**Strike:** "person" on line 6 through "61-2-302" on line 7  
**Insert:** "department receives a certificate from a driver rehabilitation program approved under 61-5-219 certifying that the person successfully completed the program. The certificate must be submitted no later than 30 days after the day on which the program was completed"

13. Page 6, line 8 through line 9.  
**Following:** "period" on line 8  
**Strike:** remainder of line 8 through "period" on line 9

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14. Page 6, line 15.

**Following:** "section"

**Strike:** "4(1)(m)"

**Insert:** "3(1)(m)"

15. Page 6, line 21.

**Strike:** "4"

**Insert:** "3"

16. Page 6, line 22.

**Strike:** "4"

**Insert:** "3"

And, as amended, do pass. Report adopted.

**SB 282**, do pass. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

**House bill** passed and transmitted to the Senate for concurrence: 1/25/2007

**HB 28**, introduced by Hilbert

**House bill** passed and transmitted to the Senate for concurrence: 1/25/2007

**HB 81**, introduced by Hamilton

**House bill** passed and transmitted to the Senate for concurrence: 1/25/2007

**HB 102**, introduced by Jacobson

**House bill** passed and transmitted to the Senate for concurrence: 1/25/2007

**HB 115**, introduced by Cohenour

**House bill** passed and transmitted to the Senate for concurrence: 1/25/2007

**HB 129**, introduced by Gallik

**House bill** passed and transmitted to the Senate for concurrence: 1/25/2007

**HB 153**, introduced by Jacobson

**House joint resolution** passed and transmitted to the Senate for concurrence: 1/25/2007

**HJR 7**, introduced by Ward

**House joint resolution** passed and transmitted to the Senate for concurrence: 1/25/2007

**HJR 9**, introduced by K. Peterson

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**MOTIONS**

**SEN. KIM GILLAN, SD 24, BILLINGS** moved SB 340 be moved from Judiciary Committee to State Administration Committee. Motion carried.

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 344**, introduced by Essmann, referred to Business, Labor, and Economic Affairs.  
**SB 345**, introduced by Hawks, referred to Local Government.  
**SB 346**, introduced by Shockley, referred to Judiciary.  
**SB 347**, introduced by Shockley, referred to Judiciary.  
**SB 348**, introduced by Gallus, referred to Judiciary.  
**SB 349**, introduced by Ryan, referred to Local Government.  
**SB 350**, introduced by Perry, referred to Judiciary.  
**SB 351**, introduced by Perry, referred to Local Government.  
**SB 352**, introduced by Perry, referred to State Administration.  
**SB 353**, introduced by Laible, referred to Taxation.  
**SB 354**, introduced by Lind, referred to Public Health, Welfare and Safety.  
**SB 355**, introduced by Wanzenried, Henry, Raser, Larson, Branae, Grinde, Cocchiarella, McAlpin, Kitzenberg, Bixby, J. Tropila, Jopek, Juneau, Squires, Jayne, Williams, Keane, Bergren, Wilmer, Cohenour, Phillips, Sands, Ankney, Noonan, McAlpin, Jacobson, Villa, Becker, McChesney, Perry referred to Business, Labor, and Economic Affairs.

The following House bills were introduced, read first time, and referred to committees:

**HB 28**, introduced by Hilbert, referred to Judiciary.  
**HB 81**, introduced by Hamilton, referred to State Administration.  
**HB 102**, introduced by Jacobson, referred to Local Government.  
**HB 115**, introduced by Cohenour, referred to Fish and Game.  
**HB 129**, introduced by Gallik, referred to State Administration.  
**HB 153**, introduced by Jacobson, referred to State Administration.

The following House joint resolutions were introduced, read first time, and referred to committees:

**HJR 7**, introduced by Ward, referred to State Administration.  
**HJR 9**, introduced by K. Peterson, referred to Judiciary.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Brown in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 1** - Senator Schmidt moved **HB 1** be concurred in. Motion carried with Senator O'Neil, Balyeat voting nay.

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**SB 54** - Senator Cocchiarella moved **SB 54** do pass. Motion carried unanimously.

**SB 115** - Senator Jent moved **SB 115** do pass for the day. Motion carried unanimously.

**SB 158** - Senator Cocchiarella moved **SB 158** do pass. Motion carried with Senator O'Neil voting nay.

**SB 146** - Senator Shockley moved **SB 146** do pass. Motion carried unanimously.

**SB 42** - Senator Brueggeman moved **SB 42** do pass. Motion carried as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Harrington, Hawks, Jackson, Jent, Juneau, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 40

Nays: Balyeat, Esp, Gebhardt, Kaufmann, McGee, O'Neil, Shockley.

Total 7

Absent or not voting: None.

Total 0

Excused: Cobb, Hansen, Pease.

Total 3

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Brown moved the Committee of the Whole report be adopted. Report adopted unanimously.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 45** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Hansen, Pease.

Total 2

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**SB 95** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 48

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Hansen, Pease.  
Total 2

**SB 65** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 48

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Hansen, Pease.  
Total 2

**SB 137** passed as follows:

Yeas: Bales, Balyeat, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lind, Moss, Murphy, Ryan, Schmidt, Shockley, Smith, Squires, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 36

Nays: Barkus, Brown, Esp, Jackson, Lewis, McGee, O'Neil, Perry, Peterson, Stapleton, Steinbeisser, Story.  
Total 12

Absent or not voting: None.  
Total 0

Excused: Hansen, Pease.

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Total 2

**SB 15** passed as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Curtiss, Elliott, Esp, Essmann, Gebhardt, Gillan, Hawks, Jackson, Jent, Kitzenberg, Laible, Larson, Laslovich, Lewis, McGee, Murphy, Perry, Peterson, Ryan, Schmidt, Shockley, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Weinberg, Mr. President.

Total 34

Nays: Balyeat, Brown, Cocchiarella, Gallus, Harrington, Juneau, Kaufmann, Lind, Moss, O'Neil, Smith, Story, Wanzenried, Williams.

Total 14

Absent or not voting: None.

Total 0

Excused: Hansen, Pease.

Total 2

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1 p.m., Friday, January 26, 2007. Motion carried.

Senate adjourned at 1:57 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate



**SENATE JOURNAL  
60TH LEGISLATURE  
EIGHTEENTH LEGISLATIVE DAY**

Helena, Montana  
January 26, 2007

Senate Chambers  
State Capitol

Senate convened at 1 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except **SEN. KEN HANSEN, SD 17, HARLEM** and **SEN. GERALD PEASE, SD 21, LODGE GRASS**, excused. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 43

Nays: Balyeat, Gebhardt, Jackson, O'Neil, Shockley.

Total 5

Absent or not voting: None.

Total 0

Excused: Hansen, Pease.

Total 2

**REPORTS OF STANDING COMMITTEES**

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Cocchiarella, Chairman):

1/26/2007

**SB 68**, do pass. Report adopted.

**SB 127**, introduced bill, be amended as follows:

1. Page 3, line 11.

**Following:** "16-3-411"

**Insert:** "and 16-4-901"

2. Page 3, line 18.

**Strike:** "directly to a retailer in"

**Insert:** "into"

3. Page 3, line 19 through line 20.

**Strike:** "from a winery" on line 19 through "distributor" on line 20

**Insert:** "in violation of this code"

4. Page 10, lines 14 through 16.

**Following:** "Montana" on line 14

**Strike:** the first "and" on line 14 through "code" on line 16

**Insert:** "in violation of this code"

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And, as amended, do pass. Report adopted.

**SB 214**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** "THAT"

**Insert:** "CERTAIN"

2. Page 5, lines 15 through 16.

**Following:** "officer" on line 15

**Strike:** "of a " through "corporation"

**Following:** "manager"

**Strike:** "of a manager-managed" on line 15 through "company" on line 16

**Insert:** "who is exempt under 39-71-401(2)(r)(iii) or (2)(r)(iv) and"

And, as amended, do pass. Report adopted.

**FINANCE AND CLAIMS** (Schmidt, Chairman):

1/26/2007

**SB 4**, do pass. Report adopted.

**SB 10**, do pass. Report adopted.

**SB 42**, do pass. Report adopted.

**STATE ADMINISTRATION** (Squires, Chairman):

1/26/2007

**SB 10**, do pass. Report adopted.

**SB 101**, do pass. Report adopted.

**SB 175**, do pass. Report adopted.

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 356**, introduced by Brueggeman, Erickson, Gallus, Cocchiarella, Lewis, Wanzenried, Laslovich, Furey, Gillan, referred to Taxation.

**SB 357**, introduced by Larson, referred to Judiciary.

**SB 358**, introduced by Larson, referred to State Administration.

**SB 359**, introduced by Cocchiarella, Gebhardt, Squires, Olson, Squires, J. Tropila, referred to State Administration.

**SB 360**, introduced by J. Peterson, Wells, Butcher, Ross, Black, Perry, Furey, referred to Judiciary.

**SB 361**, introduced by Kaufmann, Hawks, referred to Local Government.

**SB 362**, introduced by Cobb, Lewis, referred to Education and Cultural Resources.

**SB 363**, introduced by Kaufmann, Lewis, Parker, MacLaren, referred to Judiciary.

**SB 364**, introduced by Story, Gebhardt, Stahl, referred to State Administration.

**SB 365**, introduced by Story, Olson, Klock, Gebhardt, Tash, Boggio, referred to Natural Resources and Energy.

**SB 366**, introduced by Moss, referred to State Administration.

**SB 367**, introduced by Lind, Lambert, referred to State Administration.

**SB 368**, introduced by Lind, O'Hara, Wanzenried, McGillvray, referred to Public Health, Welfare and Safety.

**SB 369**, introduced by Smith, Jackson, Curtiss, referred to Business, Labor, and Economic Affairs.

**SB 370**, introduced by Tash, referred to Natural Resources and Energy.

**SB 371**, introduced by Kaufmann, Augare, Raser, Hollenbaugh, Reinhart, Sands, Franklin, Henry, Jopek,

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Wanzenried, Juneau, referred to Judiciary.

**SB 372**, introduced by Balyeat, Gebhardt, Hendrick, Himmelberger, Jore, Jackson, Boggio, Brown, Steinbeisser, Shockley, Lewis, Murphy, Olson, Curtiss, Ross, Klock, Story, Everett, McGee, Barkus, W. Jones, Bales, J. Tropila, Black, Laslovich, Mendenhall, Perry, Sales, Malcolm, Stahl, Koopman, Stoker, Wells, Rice, McGillvray, Ankney, Lange, O'Neil, Heinert, referred to Fish and Game.

**SB 373**, introduced by Gillan, referred to Judiciary.

**SB 374**, introduced by Cooney, referred to State Administration.

The following Senate joint resolution was introduced, read first time, and referred to committee:

**SJR 5**, introduced by Brueggeman, Pomnichowski, Hilbert, Lewis, Gebhardt, Kitzenberg, Bergren, Reinhart, French, Lind, Cooney, Ward, referred to Public Health, Welfare and Safety.

The following House bills were introduced, read first time, and referred to committees:

**HB 20**, introduced by McNutt, referred to Judiciary.

**HB 84**, introduced by McNutt, referred to Judiciary.

**HB 144**, introduced by Becker, referred to Public Health, Welfare and Safety.

**HB 244**, introduced by Wiseman, referred to Business, Labor, and Economic Affairs.

**HB 254**, introduced by Stoker, referred to State Administration.

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 4**, introduced by Cohenour, referred to State Administration.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Gillan in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 53** - Senator Cocchiarella moved **SB 53** do pass. Motion carried unanimously.

**SB 157** - Senator Ryan moved **SB 157** do pass. Motion carried unanimously.

**SB 12** - Senator Williams moved consideration of **SB 12** be passed for the day. Motion carried.

**SB 115** - Senator Jent moved **SB 115** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Perry, Ryan, Schmidt, Smith, Squires, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 34

Nays: Brown, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, McGee, Murphy, O'Neil, Peterson, Shockley, Stapleton, Story.  
Total 14

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Absent or not voting: None.  
Total 0

Excused: Hansen, Pease.  
Total 2

**SB 200** - Senator Lewis moved **SB 200** do pass. Motion carried with Senator Esp, McGee voting nay.

**SB 124** - Senator Harrington moved **SB 124** do pass. Motion carried unanimously.

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Gillan moved the Committee of the Whole report be adopted. Report adopted unanimously.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 1** concurred in as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 46

Nays: Balyeat, O'Neil.  
Total 2

Absent or not voting: None.  
Total 0

Excused: Hansen, Pease.  
Total 2

**SB 42** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Harrington, Hawks, Jackson, Jent, Juneau, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 42

Nays: Esp, Gebhardt, Kaufmann, McGee, O'Neil, Shockley.  
Total 6

Absent or not voting: None.  
Total 0

Excused: Hansen, Pease.

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Total 2

**SB 54** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Hansen, Pease.

Total 2

**SB 158** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 47

Nays: O'Neil.

Total 1

Absent or not voting: None.

Total 0

Excused: Hansen, Pease.

Total 2

**SB 146** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 48

Nays: None.

Total 0

Absent or not voting: None.

Total 0

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Excused: Hansen, Pease.  
Total 2

**LEGISLATIVE ADMINISTRATION** (Smith, Chairman):

1/29/2007

MR. PRESIDENT:

We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 5:00 p.m., Friday, January 26, 2007:

<u>TITLE</u>	<u>NAME</u>
Pages:	Kayla Adams, Columbia Falls
	Colin Cooney, Helena
	Sarah Conn, Helena
	Karl Bjelland, Conrad
	Margaret Koenig, Kalispell
	Brad Larson, Townsend
	Tom Stene, Joliet

and recommend that the following attaches of the Senate be employed as of 1 p.m., Monday, January 29, 2007:

<u>TITLE</u>	<u>NAME</u>
Pages:	Sydney Best, Great Falls
	Lindsey Crosby, Bozeman
	Hannah Harper, Helena
	Mitzy Scheerer, Bozeman
	Elizabeth McGee, Laurel
	Jonathan Hamm, East Helena
	Kari Sinnema, Manhattan

Report Adopted.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1 p.m., Monday, January 29, 2007. Motion carried.

Senate adjourned at 2:00 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

**SENATE JOURNAL  
60TH LEGISLATURE  
NINETEENTH LEGISLATIVE DAY**

Helena, Montana  
January 29, 2007

Senate Chambers  
State Capitol

Senate convened at 1 p.m. President Cooney presiding. Invocation by Rev. Keith Johnson, Pastor of the Evangelical Covenant Church. Pledge of Allegiance to the Flag.

Roll Call: Senators Brown and Schmidt excused. Quorum present.

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 42

Nays: Balyeat, Gebhardt, Jackson, O'Neil, Shockley.

Total 5

Absent or not voting: None.

Total 0

Excused: Brown, Schmidt.

Total 2

**MOTIONS**

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** called for the Democrats to caucus. **SEN. COREY STAPLETON, SD 27, BILLINGS** called for the Republicans to caucus. Senator Williams moved to recess until 1:30 p.m. Motion carried.

Senate reconvened at 1:30 p.m. President Cooney presiding.

Roll Call: Senators Schmidt, Brown excused.

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 42

Nays: Balyeat, Gebhardt, Jackson, O'Neil, Shockley.

Total 5

Absent or not voting: None.

Total 0

Excused: Brown, Schmidt.

Total 2

SENATE JOURNAL  
NINETEENTH LEGISLATIVE DAY - JANUARY 29, 2007

**MESSAGES FROM THE OTHER HOUSE**

**House bill** passed and transmitted to the Senate for concurrence:

1/26/2007

**HB 24**, introduced by Klock

**MOTIONS**

**SEN. VICKI COCCHIARELLA, SD 47, HELENA** moved **SB 223** be moved to Judiciary Committee. Motion carried.

**REPORTS OF STANDING COMMITTEES**

**FISH AND GAME** (Tropila, Chairman):

1/29/2007

**SB 205**, do pass. Report adopted.

**SB 243**, introduced bill, be amended as follows:

1. Title, page 1, line 4 through line 5.

**Strike:** "REDUCING THE" on line 4 through "FISHING LICENSE;" on line 5

2. Title, page 1, line 7.

**Following:** "YEARS;"

**Insert:** "ALLOWING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO RECOUP THE COST OF ISSUING FREE LICENSES ON A QUARTERLY BASIS;"

3. Title, page 1, line 8.

**Strike:** "87-2-301,"

**Following:** "87-2-711"

**Strike:** ", "

4. Page 1, line 12 through line 15.

**Strike:** section 1 in its entirety

**Renumber:** subsequent subsections

5. Page 4, line 13.

**Strike:** "and"

6. Page 4, line 28.

**Following:** line 27

**Insert:** "(d) The department's general license account must be reimbursed by a quarterly transfer of funds from the general fund to the general license account for costs associated with the free licenses granted pursuant to this subsection (12) during the preceding calendar quarter. Reimbursement costs must be designated as license revenue."

And, as amended, do pass. Report adopted.

**HIGHWAYS AND TRANSPORTATION** (Pease, Chairman):

1/29/2007

**SB 159**, do pass. Report adopted.

**SB 185**, introduced bill, be amended as follows:



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NINETEENTH LEGISLATIVE DAY - JANUARY 29, 2007

1. Page 5, line 20.

**Following:** "(28)"

**Insert:** "(a)"

2. Page 5, line 22.

**Strike:** "(a)"

**Insert:** "(i)"

**Renumber:** subsequent subsections

3. Page 5, line 22.

**Following:** "hour"

**Insert:** "as certified by the manufacturer"

4. Page 5, line 27 through line 28.

**Strike:** "does" through "emissions"

**Insert:** "is fully enclosed and includes at least one door for entry"

5. Page 6, line 4.

**Following:** "(h)"

**Insert:** "as certified by the manufacturer,"

6. Page 6.

**Following:** line 4

**Insert:** "(b) A medium-speed electric vehicle must be treated as a light vehicle for purposes of titling and registration under Title 61, chapter 3."

7. Page 14, line 4.

**Following:** "that"

**Insert:** "is propelled by an electric motor or other device that transforms stored electrical energy into the motion of the vehicle,"

And, as amended, do pass. Report adopted.

**SB 208**, do pass. Report adopted.

**SB 237**, do pass. Report adopted.

**NATURAL RESOURCES AND ENERGY** (Lind, Chairman):

1/29/2007

**SB 41**, do pass. Report adopted.

**PUBLIC HEALTH, WELFARE AND SAFETY** (Weinberg, Chairman):

1/29/2007

**SB 32**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Strike:** "AUTHORIZING"

**Insert:** "ALLOWING"

**Strike:** "OR LONG-TERM CARE"

2. Title, page 1, line 6.

**Strike:** "TO ENTER"

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**Insert:** "ACCESS TO"

3. Title, page 1, line 6.

**Strike:** "AT ANY TIME NECESSARY"

**Insert:** "AFTER NORMAL VISITING HOURS WITH THE APPROVAL OF THE LONG-TERM CARE OMBUDSMAN"

4. Page 1, line 12.

**Strike:** "The"

**Insert:** "Subject to subsection (2), the"

5. Page 1, line 17.

**Following:** "ombudsman"

**Insert:** "during normal visiting hours and to the long-term care ombudsman"

6. Page 1, lines 17 and 18.

**Strike:** "that" on line 17 through "considers" on line 18

**Insert:** ". A local ombudsman may have access after normal visiting hours with approval, directions, and oversight of the long-term care ombudsman when"

And, as amended, do pass. Report adopted.

**SB 81**, do pass. Report adopted.

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committee:

**SB 375**, introduced by McGee, referred to Taxation.

**SB 376**, introduced by Jackson, Hendrick, O'Neil, Ross, Heinert, Sesso, Musgrove, Kaufmann, Barkus, Vincent, Curtiss, Lambert, Jopek, Gebhardt, J. Peterson, Glaser, Erickson, Ankney, referred to Natural Resources and Energy.

**SB 377**, introduced by Jackson, referred to Judiciary.

**SB 378**, introduced by Gillan, referred to Taxation.

**SB 379**, introduced by Laslovich, referred to Judiciary.

**SB 380**, introduced by Cocchiarella, Mendenhall, referred to Business, Labor, and Economic Affairs.

**SB 381**, introduced by Laslovich, referred to Judiciary.

**SB 382**, introduced by Laslovich, referred to Judiciary.

**SB 383**, introduced by Laslovich, referred to Judiciary.

The following Senate joint resolution was introduced, read first time, and referred to committee:

**SJR 6**, introduced by Schmidt, referred to Judiciary.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Perry in the chair.

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Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 12** - Senator Williams moved **SB 12** do pass. Motion carried unanimously.

**HB 10** - Senator Bales moved **HB 10** be concurred in. Motion carried unanimously.

**HB 42** - Senator Cooney moved **HB 42** be concurred in. Motion carried unanimously.

**SB 251** - Senator Larson moved **SB 251** do pass. Motion carried unanimously.

**SB 175** - Senator Squires moved **SB 175** do pass. Motion carried unanimously.

**SB 10** - Senator Harrington moved **SB 10** do pass. Motion carried unanimously.

**SB 101** - Senator Jent moved **SB 101** do pass. Motion carried unanimously.

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Perry moved the Committee of the Whole report be adopted. Report adopted unanimously.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 53** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Brown.

Total 1

**SB 157** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 48

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Nays: Shockley.  
Total 1

Absent or not voting: None.  
Total 0

Excused: Brown.  
Total 1

**SB 115** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Perry, Peterson, Ryan, Schmidt, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 39

Nays: Curtiss, Essmann, Gebhardt, Jackson, McGee, Murphy, O'Neil, Shockley, Smith, Story.  
Total 10

Absent or not voting: None.  
Total 0

Excused: Brown.  
Total 1

**SB 200** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 46

Nays: Curtiss, Esp, McGee.  
Total 3

Absent or not voting: None.  
Total 0

Excused: Brown.  
Total 1

**SB 124** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

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Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Brown.  
Total 1

**MOTIONS**

**SEN. JIM ELLIOTT, SD 7, TROUT CREEK** moved that the following Senators names be added to **SB 41**: Black, Lind, Shockley, McGee, Essmann, Curtiss, Weinberg, Hawks, and Jent. Motion carried.

**SEN. GREG LIND, SD 50, MISSOULA** moved his name be added to **SB 116**. Motion carried.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1 p.m., Tuesday, January 30, 2007. Motion carried.

Senate adjourned at 1:53 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

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60TH LEGISLATURE  
TWENTIETH LEGISLATIVE DAY**

Helena, Montana  
January 30, 2007

Senate Chambers  
State Capitol

Senate convened at 1 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senator Cobb, excused. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 44

Nays: Balyeat, Gebhardt, Jackson, O'Neil, Shockley.  
Total 5

Absent or not voting: None.  
Total 0

Excused: Cobb.  
Total 1

**REPORTS OF STANDING COMMITTEES**

**ADVERSE COMMITTEE REPORT**

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Cocchiarella, Chairman):

1/30/2007

**SB 250**, do not pass. Adverse Committee Report adopted as follows:

Yeas: Brueggeman, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Ryan, Schmidt, Shockley, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 30

Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, McGee, O'Neil, Perry, Peterson, Stapleton, Steinbeisser, Story, Tash.  
Total 19

Absent or not voting: None.  
Total 0

Excused: Cobb.  
Total 1

**REPORTS OF STANDING COMMITTEES**

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**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Cocchiarella, Chairman):

1/30/2007

**SB 108**, introduced bill, be amended as follows:

1. Title, line 11.

**Following:** "DRUGS;"

**Insert:** "PROVIDING FOR UTILIZATION AND TREATMENT GUIDELINES TO BE ESTABLISHED BY RULE;"

2. Title, line 19.

**Following:** ";"

**Strike:** "AND"

**Following:** the second "MCA"

**Insert:** "; AND PROVIDING AN EFFECTIVE DATE"

3. Page 11, line 23.

**Following:** "schedule."

**Insert:** "Until the department adopts a fee schedule applicable to medical services provided by a hospital, insurers shall pay at the rate payable on June 30, 2007, for those services provided by the hospital. The rate must be adjusted by the annual percentage increase in the state's average weekly wage, as defined in 39-71-116, factoring in changes in the hospital's medical service charges."

4. Page 11.

**Following:** line 23

**Insert:** "(3) (a) The department may establish by rule evidence-based utilization and treatment guidelines for primary and secondary medical services. There is a rebuttable presumption that the utilization and treatment guidelines established by the department are correct medical treatment for the injured worker.

(b) An insurer is not responsible for treatment or services that do not fall within the utilization and treatment guidelines adopted by the department unless the provider obtains prior authorization from the insurer.

(c) The department may establish by rule an independent medical review process for treatment or services denied by an insurer pursuant to this subsection (3) prior to mediation under 39-71-2401."

**Renumber:** subsequent subsections

5. Page 12.

**Following:** line 14

**Insert:** "(5) For a medical assistance facility or a critical access hospital licensed pursuant to Title 50, chapter 5, the rate for services is the usual and customary charge. Fees paid to a licensed medical assistance facility or critical access hospital are not subject to the limitation provided in subsection (6)."

**Renumber:** subsequent subsections

6. Page 12, line 24.

**Strike:** "(7)"

**Insert:** "(9)"

7. Page 12, line 30.

**Strike:** "(7)(a)"

**Insert:** "(9)(a)"

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8. Page 14, lines 18 through 20.

**Following:** "exceed the" on line 18

**Strike:** "prevailing" on line 18 through "the" on line 20

**Insert:** "hourly mean wage by area for home health aides, as published by the department in the most recent edition of the Montana Informational Wage Rates by Occupation and adopted annually by the department prior to January 1. The"

**Following:** "day" on line 20

**Insert:** "at the rate in effect at the time that the services are rendered"

9. Page 16, line 15.

**Following:** "."

**Insert:** "Pursuant to 33-28-205, a captive reciprocal insurer may not be a member of an insurance guaranty association or guaranty fund."

10. Page 18, line 17.

**Following:** "(1)"

**Strike:** "A"

**Insert:** "Except as provided in subsection (7), a"

11. Page 19.

**Following:** "line 20"

**Insert:** "(7) A captive reciprocal insurer specified in 39-71-2201 is not subject to this section."

12. Page 19.

**Following:** line 25

**Insert:** "NEW SECTION. **Section 18. Effective date.** [This act] is effective July 1, 2007."

And, as amended, do pass. Report adopted.

**SB 161**, introduced bill, be amended as follows:

1. Title, line 11.

**Following:** "FOR"

**Insert:** "CAPTIVE"

2. Page 2.

**Following:** line 21

**Insert:** "(10) "Captive risk retention group" means a captive insurance risk retention group formed under the laws of this chapter and pursuant to Title 33, chapter 11."

**Renumber:** subsequent subsections

3. Page 2, line 28.

**Following:** "existing"

**Insert:** ", controlling"

4. Page 3, line 20.

**Following:** "is a"

**Insert:** "captive"



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5. Page 4, line 21 through line 22.

**Strike:** subsection (26) in its entirety

**Renumber:** subsequent subsections

6. Page 6, line 24 through line 25.

**Following:** "process"

**Strike:** "and" on line 24 through "state" on line 25

7. Page 12, line 5.

**Following:** "captive"

**Strike:** "insurance company formed as a"

8. Page 13, line 11.

**Following:** "excluding"

**Insert:** "captive"

9. Page 13, line 29.

**Strike:** "Risk"

**Insert:** "Captive risk"

10. Page 13, line 30.

**Following:** "a"

**Insert:** "captive"

11. Page 15, line 2.

**Strike:** "Risk"

**Insert:** "Captive risk"

12. Page 17, line 1.

**Following:** "a"

**Insert:** "captive"

13. Page 17, line 22.

**Following:** "redomestications,"

**Insert:** "captive"

And, as amended, do pass. Report adopted.

**SB 296**, introduced bill, be amended as follows:

1. Title, line 7.

**Strike:** "IMMEDIATE"

2. Page 2, line 22.

**Following:** "(b)"

**Insert:** "(i)"

3. Page 2.

**Following:** line 24

**Insert:** "(ii) A person, including an individual, with an ownership interest in an existing on-premises retail license

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that is being transferred to a new purchaser may not attain an ownership interest in a license applied for under this section for a period of 1 year from the date that the existing on-premises retail license is transferred to a new purchaser."

4. Page 6, line 11.

**Strike:** "on passage and approval"

**Insert:** "July 1, 2007"

And, as amended, do pass. Report adopted.

**EDUCATION AND CULTURAL RESOURCES** (Ryan, Chairman):

1/30/2007

**SB 56**, do pass. Report adopted.

**FINANCE AND CLAIMS** (Schmidt, Chairman):

1/30/2007

**SB 4**, introduced bill, be amended as follows:

1. Page 1, line 14.

**Strike:** "collected"

**Insert:** "credited to the department"

2. Page 1, lines 18 and 19.

**Following:** "(b)"

**Strike:** remainder of lines 18 and 19

**Insert:** "reimburse applicable funds to the federal government."

3. Page 1, line 20.

**Insert:** "(4) The unreserved, unexpended balance of the funds collected under this section must be deposited in the general fund by the close of the fiscal year."

And, as amended, do pass. Report adopted.

**NATURAL RESOURCES AND ENERGY** (Lind, Chairman):

1/30/2007

**SB 248**, do pass. Report adopted.

**STATE ADMINISTRATION** (Squires, Chairman):

1/30/2007

**SB 11**, introduced bill, be amended as follows:

1. Page 2, line 15.

**Following:** "board"

**Insert:** ":

(i) for an employee described in subsection (1)(d), within 300 days of the commencement of the employee's employment; and

(ii) for an employee or elected official described in subsection (1)(a), (1)(b), (1)(c), (1)(e), or (1)(f),"

And, as amended, do pass. Report adopted.

**SB 113**, introduced bill, be amended as follows:

1. Page 1, line 20.

**Strike:** "standard"

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**Insert:** "minimum"

**Following:** "part 301-11,"

**Insert:** "rounded to the nearest dollar"

And, as amended, do pass. Report adopted.

**SB 136**, do pass. Report adopted.

**SB 172**, do pass. Report adopted.

**SB 177**, do pass. Report adopted.

**SB 181**, do pass. Report adopted.

**SB 235**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** "MADISON,"

**Insert:** "POWELL,"

2. Page 1, line 15.

**Following:** "Madison,"

**Insert:** "Powell,"

3. Page 1, line 18.

**Following:** "Madison,"

**Insert:** "Powell,"

4. Page 1, line 19.

**Strike:** "five"

**Insert:** "six"

5. Page 2, line 5.

**Following:** "home"

**Insert:** "in southwestern Montana"

And, as amended, do pass. Report adopted.

**SB 239**, do pass. Report adopted.

**TAXATION** (Elliott, Chairman):

1/30/2007

**SB 215**, do pass. Report adopted.

**SB 233**, introduced bill, be amended as follows:

1. Page 3, line 15.

**Strike:** "registered voters"

**Insert:** "taxable value"

And, as amended, do pass. Report adopted.

**SB 275**, introduced bill, be amended as follows:

1. Title, line 6.

**Strike:** "PRECLUDING" through "GAMBLING;"

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2. Title, line 10.

**Following:** "DISCONTINUED;"

**Insert:** "ALLOWING CONTINUED ESTABLISHMENT OF RESORT AREAS FOR IMPOSITION OF THE RESORT TAX;"

3. Page 1, line 20 through line 26.

**Strike:** "the" on line 20 through "'Taxable" on line 25

**Insert:** "'taxable"

**Strike:** "any gift" on line 25 through "limited to" on line 26

4. Page 1, line 27.

**Strike:** "(i)"

**Insert:** "(1)"

**Renumber:** subsequent subsections

5. Page 1, line 28.

**Following:** "out;"

**Insert:** "and"

6. Page 1, line 29 through page 2, line 21.

**Strike:** ";" on page 1, line 29 through "life" on page 2, line 21

7. Page 3, line 24.

**Following:** "special"

**Insert:** "mail ballot"

8. Page 7, line 13.

**Following:** "tax."

**Insert:** "If a resort area is established, a county local option sales tax may not be imposed within the resort area.  
If a county imposes a local option sales tax at the time that the resort area is established, the county local option sales tax may not be imposed within the resort area."

9. Page 8, line 3.

**Strike:** "has" through "actl."

**Insert:** ":(a) is an unincorporated area and is a defined contiguous geographic area;

(b) has a population of less than 2,500 according to the most recent federal census or federal estimate;

(c) derives the major portion of its economic well-being from businesses catering to the recreational and personal needs of persons traveling to or through the area for purposes not related to their income production; and

(d) has been designated by the department of commerce as a resort area prior to its establishment by the county commissioners as provided in 7-6-1508."

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

**House bills** passed and transmitted to the Senate for concurrence:

1/31/2007

**HB 82**, introduced by Parker

**House bill** passed and transmitted to the Senate for concurrence:

1/30/2007

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**HB 132**, introduced by Sesso

**House bill** passed and transmitted to the Senate for concurrence: 1/30/2007

**HB 156**, introduced by Franklin

**House bill** passed and transmitted to the Senate for concurrence: 1/30/2007

**HB 209**, introduced by K. Peterson

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 384**, introduced by Wanzenried, referred to Highways and Transportation.

**SB 385**, introduced by Cobb, referred to Judiciary.

**SB 386**, introduced by Shockley, referred to Highways and Transportation.

**SB 387**, introduced by Squires, Henry, referred to Public Health, Welfare and Safety.

**SB 388**, introduced by Lind, referred to Business, Labor, and Economic Affairs.

**SB 389**, introduced by Shockley, referred to Judiciary.

**SB 390**, introduced by Juneau, Bixby, Kaufmann, Campbell, Erickson, Hamilton, Augare, Sands, Pease, Ankney, Essmann, Nooney referred to Education and Cultural Resources.

**SB 391**, introduced by Weinberg, referred to Natural Resources and Energy.

**SB 392**, introduced by O'Neil, Everett, Jackson, Thomas, Gebhardt, Curtiss, Balyeat, referred to Judiciary.

**SB 393**, introduced by Gillan, referred to Judiciary.

**SB 394**, introduced by Squires, referred to Public Health, Welfare and Safety.

**SB 395**, introduced by O'Neil, Rice, Jore, Cordier, Wells, Bixby, Windy Boy, referred to Judiciary.

**SB 396**, introduced by Laible, referred to Education and Cultural Resources.

**SB 397**, introduced by Gillan, referred to Public Health, Welfare and Safety.

The following Senate joint resolutions were introduced, read first time, and referred to committee:

**SJR 7**, introduced by Lind, Schmidt, referred to Public Health, Welfare and Safety.

**SJR 8**, introduced by Gillan, referred to Public Health, Welfare and Safety.

The following House bills were introduced, read first time, and referred to committees:

**HB 82**, introduced by Parker, referred to Judiciary.

**HB 132**, introduced by Sesso, referred to State Administration.

**HB 156**, introduced by Franklin, referred to Business, Labor, and Economic Affairs.

**HB 209**, introduced by K. Peterson, referred to State Administration.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Hawks in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading,

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recommend as follows:

**HB 41** - Senator Kaufmann moved **HB 41** be concurred in. Motion carried with Senator Barkus, McGee voting nay.

**SB 214** - Senator Lewis moved **SB 214** do pass. Motion carried unanimously.

**SB 4** - Senator Harrington moved consideration of **SB 4** be passed for the day. Motion carried unanimously.

**SJ 2** - Senator Smith moved **SJ 2** do pass. Motion carried unanimously.

**SB 282** - Senator Lind moved **SB 282** do pass. Motion carried unanimously.

**SB 243** - Senator Balyeat moved consideration of **SB 243** be passed for the day. Motion carried unanimously.

**SB 143** - Senator Shockley moved **SB 143** do pass. Motion carried unanimously.

**SB 227** - Senator Laslovich moved **SB 227** do pass. Motion carried unanimously.

**SB 25** - Senator Larson moved **SB 25** do pass. Motion carried unanimously.

**SB 32** - Senator Schmidt moved **SB 32** do pass. Motion carried unanimously.

**SB 67** - Senator Wanzenried moved **SB 67** do pass. Motion carried as follows:

Yeas: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 25

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 23

Absent or not voting: None.

Total 0

Excused: Cobb, Schmidt.

Total 2

**SB 249** - Senator Barkus moved **SB 249** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Jent, Laible, Laslovich, Lewis, Moss, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash, Williams, Mr. President.

Total 27

Nays: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Kitzenberg, Larson, Lind, McGee, Pease, Ryan, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg.

Total 21

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Absent or not voting: None.  
Total 0

Excused: Cobb, Schmidt.  
Total 2

**SB 89** - Consideration of **SB 89** was passed for the day.

**SB 81** - Senator Williams moved consideration of **SB 81** be passed for the day. Motion carried.

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Hawks moved the Committee of the Whole report be adopted. Report adopted unanimously.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 12** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 48

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Cobb, Schmidt.  
Total 2

**HB 10** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 48

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

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Excused: Cobb, Schmidt.  
Total 2

**HB 42** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 48

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Cobb, Schmidt.  
Total 2

**SB 251** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 48

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Cobb, Schmidt.  
Total 2

**SB 10** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 48

Nays: None.  
Total 0



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Absent or not voting: None.  
Total 0

Excused: Cobb, Schmidt.  
Total 2

**SB 101** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 48

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Cobb, Schmidt.  
Total 2

**SB 175** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 48

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Cobb, Schmidt.  
Total 2

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1 p.m., Wednesday, January 31, 2007. Motion carried.

Senate adjourned at 3:27 p.m.

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JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

**SENATE JOURNAL  
60TH LEGISLATURE  
TWENTY-FIRST LEGISLATIVE DAY**

Helena, Montana  
January 31, 2007

Senate Chambers  
State Capitol

Senate convened at 1 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 45

Nays: Balyeat, Jackson, O'Neil, Shockley.  
Total 4

Absent or not voting: None.  
Total 0

Excused: Kaufmann.  
Total 1

**MOTIONS**

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** moved the Senate meet in joint session with the House of Representatives for the State of the Tribal Nations address.

Invocation by Honorable Chief Earl Old Person

Good afternoon Honorable Governor Brian Schweitzer, Lt. Governor John Bohlinger, members of the Montana Legislature, Ladies and Gentlemen. I would like to thank Scott Sales, Speaker of the House, and Mike Cooney President of the Senate for convening the joint session for the State of the Indian Address. I would like to also acknowledge the tribal leaders of Montana, would you please stand up.

It is with great honor and privilege that I stand before you today. And it's really touching to me in my heart, the flag song you have just heard honors not only our Indian warriors that defended this country but all Americans who joined together to defend the sacred soil. There are Americans Indians of this country and specifically those of Montana and the Crow tribe have a long standing history of volunteering to go to war for this country. 70% of young men and women from all the tribes throughout this country join in a time of war. Young men and women of the four branches of our military service, 18% are Indian today. I think the message I want to give this body is we're all in this together. Whatever we do in the war we're fighting today them bullets don't say that I'm going to kill that white man, or that Italian, or that Indian or that black person, all of us are in it together. We as leaders of this great state and this nation need to start talking peace through unity and start sharing in everything. You know we talk about when I read the papers all the time about the Democrats and the Republicans up here fighting over money. You as leaders represent all the people of this state, be careful with our money but help everyone with our money.

I was most honored to have stood in this very spot four years ago, before the great body of lawmakers to offer my message of peace through unity. I spoke of the endless possibilities for progress to benefit all Montanans, Indians and non-Indians through strong partnerships and cooperative efforts. Since that day four years ago, Montana has elected

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Brian Schweitzer, (I really didn't want to use this speech and I've kind of crumpled it up so now I'm having a hard time turning the pages) retained old friends both the House and the Senate, elected new friends and has achieved the second largest number of Indian legislators in the United States.

And we the Indian population of Montana with record voter turnouts have elected and have changed the power of the United States Senate by electing Jon Tester.

We proved to be a major factor in the shift in the balance of power. We as Indians have proven Montana Indians can no longer be taken for granted because we do get out and vote. Governor Schweitzer has commenced a new dialogue within Montana Indian leaders. He has appointed more Indian people in Montana boards and key decision making positions and formerly the Governor's American Indian council. That has never been done in the country before. However, the true state of the Indian nation remains unchanged. We continue to address the long standing issues of poverty, extreme unemployment rates and the standard of health care in tribes throughout the state of Montana. Our students rated at the bottom of the statewide academic scoring and we now suffer from a new onslaught of tragedy due to the current meth epidemic within our reservations. Unemployment in the state of Montana enjoys 2.8%; if you look at all the tribes in Montana, we're probably at 50% or more. We as tribes have given and given to this nation; take the Crow Tribe, and that's the only example that I can really give you because that's where I am from. Consisted of 38 million acres from the Black Hills to Lander, Wyoming, to Yellowstone to Three Forks up to the Milk River of 38 million acres, look at the Powder River Basin what it produces today, millions and millions and millions of dollars. Look at where the dams were built in Montana on Indian reservations, our lands were condemned and we received especially from the Crow tribe five and a half million dollars, and this great nation received hundreds of millions of dollars because of that dam. That what we need to talk about today is the equality of everyone. To sit here as leaders and we as leaders in Indian Country and not to do nothing, this should not make the difference. (rubs forearm skin)

It's standard in Indian Country, we Indians like to joke a lot and we tease each other a lot, I think that's what keeps us a little bit sane because we're so poor. I was looking at the federal budget, the billions of dollars that we spend in all of the continent of Africa and Greece and everywhere, billions of dollars. When my people can not be provided health care starting June 1<sup>st</sup> because Indian health does not have no money. My tribe is probably one of the largest taxpayers in Big Horn County but yet we do not receive services. Something is wrong here. Look at the Indian legislators and the Senators in here today, that needs to change. We need to do it together. A line that says this is the reservation, that shouldn't come into play because of jurisdictional problems. Sometimes on my reservation which is the size of Rhode Island, we have one police officer. Things have to change in this great state of ours. You need to realize that in your districts are not the only people you represent, you represent all the people no matter what color they are in this great state of ours. Them are the types of things that Indian nations are looking at today. Its very important. One of the things that I was looking at in the federal budget is the wild horses in the Pryors, BLM gets 40 billion a year when Indian health is in the red for 30 million this year, you know, we don't eat them horses and we don't ride them horses.

I know that the Governor has a lot of money and I know that the Republicans and Democrats are kind of fighting over it. But you know there is TSEP monies where only 33 programs were funded this year and there was 52 programs all together. But do you have the money? Why not fund all of the TSEP programs? That money goes for infrastructure and water and helps everyone in all the communities; that's what is needed.

You know gaming is a hot issues in this state. Certain people own thousands of machines when tribes are only allowed 100 a piece; that's not fair. For true economic opportunity for Tribes, Montana Tribes have been continually to be limited from utilizing gaming as a means of economic development too. Other tribes across the country have been successful at achieving economic self sufficiency through gaming which was the true intent of Congress when it pass the Indian Regulatory Act. The tribes in Montana deserve the opportunity to pursue self sufficiency without state generated restrictions.

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We've talked about energy but yet today Northwest Energy and PPL raise their rates anytime they want to because they monopolize the power that they're delivering. Last year they came to Montana and said give us 14% higher rates, the next year they're proposing 23%. You know my tribe alone can light the whole northwest, and California and Montana for the next 2,000 years, that's how much coal I have. And you the legislators through the water compact have given the tribe the opportunity and not taxing us. Where else can it be cheaper? We talk about power plants in Great Falls, Montana which would cost the people of Montana \$78 a kilowatt hour when I can do it for \$34 an hour. So I can maintain long contracts with the citizens of this state for a lot cheaper rate but the tribe is never looked upon. It's time that we start working together. It's time that big companies shouldn't monopolize things in this great state of ours. It's time for a lot of things, if you really realize it, what needs to be done in this great state. And we as Indian tribes need to work with you more. Because if you look at Indian tribes across the country, we own 40% of the energy of these United States and we are willing to start developing these vast resources. That's what we need to be doing; I don't know if you'll do it or not, but that's just the way it is.

I think one of the biggest things affecting Montana, and I commend the Attorney General, Tom Siebel, for taking that extra step to help fight the Meth problem we're have in this state. Tom is a very generous man for giving us all this money to fight our Meth problems. All of us need to thank the guy. But its time for this state to take the responsibility that we all have together to fight our Meth problems today.

I want to close with one thing, we are at war together and I talked about it earlier, we have a lot of men and women. This state alone, a lot of the families have given that ultimate sacrifice already. When you go to church Sunday or say your morning prayers or your evening prayers, don't forget about our young men and women, that they may come home safely, that we celebrate with them when they come home.

Thank you.

Benediction by Darrin Old Coyote

Chairman Carl Venne's Crow name means, "One Who Crosses the Big River and Becomes a Leader." Venne is currently serving as Crow Tribal Chairman. He is recognized as a strong leader with more then three decades of experience serving in Tribal Government. He joined the U.S. army, and is a combat veteran of the Vietnam conflict. Venne earned a degree in Law Enforcement from the University of Minnesota at St. Paul. Venne has worked as a law enforcement officer, he has worked in several Tribal Administrations and he has served as a counselor for Little Big Horn College. Recently, Venne has worked closely with the Crow legislature and he received strong support from the 2003 Montana Legislature, where he delivered the State of the Tribal Nations Address.

Most recently, Venne was elected the Chairman of the National Inter-Tribal Monitoring Association on Indian Trust Funds, President of the Council of Large Land-Based Tribes, Board member of the National Congress of American Indians, Chairman of the MT-Wyoming Tribal Leaders Council and member of the Montana Meth Project.

Dr. Barney Old Coyote

Dr. Barney Old Coyote is known as Young White Buffalo Bull Calf in the Apsaalooke Nation. Dr. Old Coyote is a retired federal employee who served as Assistant Secretary in the Department of Interior during the Johnson Administration. He is a founder and a member of many organizations including the Native American Studies Program at Montana State University in Bozeman, the Crow Cultural Committee, the Board of American Indian National Bank, the International Trade Commission, the Center for Development of Indian Law, and the National Alliance of Business Men.

In World War Two, Dr. Old Coyote and his brother enlisted in the army and served as "wind talkers" for General Jimmy Doolittle. The brothers would communicate strategic war information in the Crow language, which was a language that enemies with German and the Italian decent could not decode. Dr. Old Coyote is a

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decorated World War Two veteran with both a bronze and a silver star each with three oak clusters.

Darrin Old Coyote

Darrin N. Old Coyote's Crow name means Good Drum. He has lived on the Crow reservation all his life, except for the time he attended Concordia College for a school term. He has worked for the Lodge Grass School system in the bi-lingual program, and he is currently working for the Cultural Affairs Department of the Crow Tribal Executive Branch. Whether he is working or not, Darrin has become known throughout the country for his keen ability to work with youth.

He is the lead singer for the Black Whistle Drum group. Through this interest of singing and the ability to help today's youth through the traditional values of Crow, Darrin developed the "Our Way of Life" program. The program is a way to entertain audiences while discussing drug and alcohol prevention. He is a good voice for the youth of the Apsaalooke because he understands the problems they face today.

The Senate reconvened at 2:00 p.m.

Roll Call.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 45

Nays: Balyeat, Jackson, O'Neil, Shockley.  
Total 4

Absent or not voting: None.  
Total 0

Excused: Juneau.  
Total 1

**SEN. JOE BALYEAT, SD 34, BOZEMAN** moved **SEN. CHRISTINE KAUFMANN, SD 41, HELENA** be added to **SB 280**. Motion carried.

**REPORTS OF STANDING COMMITTEES**

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Cocchiarella, Chairman):  
**SB 116**, introduced bill, be amended as follows:

1/31/2007

1. Page 2, line 19.  
**Following:** "January"  
**Strike:** "1"  
**Insert:** "31"

2. Page 3, line 12.  
**Following:** "telephone,"  
**Insert:** "telefax,"  
**Strike:** "method"  
**Insert:** "connection"

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3. Page 3, line 20.

**Strike:** "A"

**Insert:** "(a) Except as provided in subsection (2)(b), a"

4. Page 3.

**Following:** line 22

**Insert:** "(b) By no later than January 31, 2009, a consumer reporting agency shall honor a request for the temporary lifting of a security freeze made by telephone or telefax or through a secure electronic connection designated by the consumer reporting agency within 15 minutes of receiving the request unless one of the following circumstances applies:

(i) the consumer fails to meet the requirements of subsections (1)(a) through (1)(c); or

(ii) the consumer reporting agency's ability to remove the security freeze within 15 minutes is prevented

by:

(A) a natural disaster or act of God, including fire, earthquake, or hurricane;

(B) unauthorized or illegal acts by a third party, including terrorism, sabotage, riot, vandalism, or a labor strike or similar labor dispute disrupting operations;

(C) operational interruption, including electrical failure, unanticipated delay in equipment or replacement part delivery, or computer hardware or software failures inhibiting response time;

(D) governmental action, including emergency orders or regulations or judicial or law enforcement action;

(E) receipt of a removal request outside of normal business hours; or

(F) maintenance of, updates to, or repair of the consumer reporting agency's systems, whether regularly scheduled or unexpected or unscheduled."

5. Page 3, line 26.

**Following:** "];"

**Insert:** "and"

6. Page 3, line 27 through line 28.

**Strike:** subsection (b) in its entirety

**Renumber:** subsequent subsection

7. Page 3, line 29.

**Strike:** "within" through "act]"

**Insert:** "by January 31, 2009,"

8. Page 3, line 30.

**Strike:** "media"

**Insert:** "connection"

9. Page 4.

**Following:** line 1

**Insert:** "(4) Only the attorney general may enforce the provisions of this section related to a failure to comply with the 15-minute requirement for the temporary lifting of a security freeze."

10. Page 4, line 24.

**Following:** "identification;"

**Insert:** "and"

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11. Page 4, line 26 through line 27.

**Following:** "3)]"

**Strike:** ";" on line 26 through "applicable" on line 27

12. Page 5, line 21.

**Following:** "request"

**Insert:** "or, after January 31, 2009, within 15 minutes of receiving a request by telephone or telefax or through a secure electronic connection"

13. Page 7, line 6.

**Following:** "(1)"

**Insert:** "(a)"

14. Page 7, line 7.

**Following:** "freeze"

**Strike:** ", "

**Insert:** "or"

15. Page 7, line 8.

**Strike:** "lift"

**Insert:** "lifting of a security freeze"

**Strike:** "or"

**Insert:** "but not for"

**Following:** "removal"

**Insert:** "of a security freeze"

16. Page 7.

**Following:** line 8

**Insert:** "(b) A consumer may prepay for multiple transactions, and a consumer reporting agency shall make a record of the payment and use."

17. Page 7, line 9.

**Following:** "fee"

**Insert:** "under [section 3]"

18. Page 7, line 20.

**Following:** "any"

**Insert:** "actual"

19. Page 7, line 25.

**Strike:** "a temporary lift"

**Insert:** "the temporary lifting"

20. Page 7, line 27.

**Following:** "agency for"

**Insert:** "actual"

21. Page 8, line 1.

**Following:** "any"

**Insert:** "actual"



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And, as amended, do pass. Report adopted.

**SB 204**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** "BUSINESSES"

**Insert:** "BY CLAIMANTS; ALLOWING ACCESS FOR COMPETITIVE ESTIMATES"

2. Page 1, line 11.

**Following:** "(1)"

**Insert:** "(a)"

3. Page 1, line 14.

**Strike:** "(a)"

**Insert:** "(i)"

**Following:** "that a"

**Strike:** "person insured"

**Insert:** "claimant"

4. Page 1, line 16.

**Strike:** "(b)"

**Insert:** "(ii)"

**Strike:** "an insured person"

**Insert:** "a claimant"

5. Page 1, line 17.

**Strike:** "an insured person"

**Insert:** "a claimant"

6. Page 1.

**Following:** line 18

**Insert:** "(b) An insurance company, including its producers and adjusters, that issues or renews a policy of insurance in this state covering, in whole or in part, a motor vehicle may have access to the motor vehicle for purposes of preparing a competitive estimate."

7. Page 1, line 27.

**Strike:** "insured person"

**Insert:** "claimant"

8. Page 1, line 29.

**Strike:** "insured person"

**Insert:** "claimant"

9. Page 2, line 6.

**Strike:** "insured person"

**Insert:** "claimant"

10. Page 2, line 17.

**Strike:** "insured person"

**Insert:** "claimant"

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11. Page 2, line 18.

**Strike:** "insured person"

**Insert:** "claimant"

12. Page 2, line 19.

**Strike:** the first "insured person"

**Insert:** "claimant"

**Strike:** the second "insured person"

**Insert:** "claimant"

13. Page 2, line 20.

**Strike:** "insured person"

**Insert:** "claimant"

14. Page 2, line 22.

**Strike:** "an insured person"

**Insert:** "a claimant"

15. Page 2, line 24.

**Strike:** "insured"

**Insert:** "claimant"

**Strike:** "insured's"

**Insert:** "claimant's"

16. Page 2, line 29.

**Strike:** "insured person"

**Insert:** "claimant"

17. Page 3, line 1.

**Strike:** "insured person"

**Insert:** "claimant"

18. Page 3, line 2 through line 3.

**Following:** the second "charge" on line 2

**Strike:** "an" on line 2 through the first "customer" on line 3

**Insert:** "a claimant"

19. Page 3, line 6.

**Strike:** ", "

**Insert:** ":

(a)"

20. Page 3, line 8.

**Following:** "products"

**Insert:** ";

(b) "claimant" means the person seeking repair of a motor vehicle whether that person is the insured person or a third party making a claim against the insurer"

And, as amended, do pass. Report adopted.

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SB 211, introduced bill, be amended as follows:

1. Page 1.

**Following:** line 28

**Insert:** "(3) "Electrical construction" means work performed by an individual, firm, or corporation in which an electrical connection is made to a supply of electricity or in which electricity is supplied to any electric equipment installation for which a permit is required by the authority having jurisdiction."

**Renumber:** subsequent subsections

2. Page 2.

**Following:** line 4

**Insert:** "(5) (a) "Electrical maintenance" means ordinary and customary installations in a plant or onsite in addition to modifications, additions, or repairs that are limited to replacing ballasts, relamping, trouble-shooting motor controls, and replacing motors, breakers, or magnetic starters in a kind-for-kind manner. Also included is the connection of specific items of specialized equipment that can be directly connected to an existing branch circuit panel by means of factory-installed leads.

(b) The term does not include installation of a new circuit to operate the equipment described in subsection (5)(a) or installation that requires the size of the supply conductors to be increased. These actions require installation by a licensed electrical contractor."

**Renumber:** subsequent subsections

3. Page 4, line 4.

**Following:** "business"

**Strike:** ", "

**Insert:** "or"

**Strike:** ", or calling"

**Following:** "of"

**Insert:** "or hold oneself out as being"

4. Page 5, line 21.

**Strike:** "procedures and"

**Following:** "rules"

**Insert:** "and applicable laws under Title 37 or Title 50"

5. Page 6, line 6.

**Following:** "union"

**Insert:** "or trade association"

6. Page 6, line 16.

**Strike:** "procedures and"

**Following:** "rules"

**Insert:** "and applicable laws under Title 37 or Title 50"

7. Page 6, line 23.

**Following:** "union"

**Insert:** "or trade association"

8. Page 7, line 3.

**Strike:** "procedures and"

**Following:** "rules"

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**Insert:** "and applicable laws under Title 37 or Title 50"

And, as amended, do pass. Report adopted.

**SB 315**, do pass. Report adopted.

**FISH AND GAME** (Tropila, Chairman):  
**SB 78**, introduced bill, be amended as follows:

1/31/2007

1. Title, line 4.

**Strike:** "REASONABLE AND SAFE"

2. Title, line 6.

**Strike:** "ERECTION OF"

**Insert:** "OPTION TO ERECT"

**Following:** "FENCE"

**Insert:** "WITH IMPROVED ACCESS"

**Strike:** "PUBLIC"

**Insert:** "COUNTY ROAD"

**Following:** "RIGHT-OF-WAY"

**Insert:** "IF THE FENCE IS ABUTTED OR ATTACHED"

3. Title, page 1, line 7.

**Strike:** "FENCES"

**Insert:** "A FENCE"

4. Title, line 8.

**Strike:** "PUBLIC"

**Insert:** "COUNTY ROAD"

**Following:** "RIGHT-OF-WAY"

**Insert:** "WHEN THE FENCE IS ABUTTED OR ATTACHED"

5. Title, line 9.

**Strike:** "DO NOT PROVIDE REASONABLE AND SAFE"

**Insert:** "PREVENT"

**Following:** "ACCESS TO"

**Strike:** "THE"

**Insert:** "A"

6. Title, line 11.

**Following:** "REPLACEMENT"

**Insert:** "COSTS"

**Following:** "CIRCUMSTANCES;"

**Insert:** "AUTHORIZING THE ISSUANCE OF PERMITS FOR A FENCE TO ENCROACH IN A COUNTY ROAD RIGHT-OF-WAY; PROVIDING FOR LANDOWNER IMMUNITY;"

7. Page 1, line 18 through page 5, line 18.

**Strike:** everything after the enacting clause

**"NEW SECTION. Section 1. Purpose -- intent.** (1) The purpose of [sections 1 through 4] is to codify the current interpretation of access to streams and rivers by using a county bridge, its right-of-way, and

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its abutments. [Sections 1 through 4] are not intended to expand the rights of recreationists or to diminish the rights of landowners.

(2) By enacting [sections 1 through 4], the legislature intends to maintain the delicate balance that is necessary to provide recreationists with access to public resources while protecting private property rights. The legislature recognizes that [sections 1 through 4] are intended to be a compromise solution to implementing stream access by means of bridges. Therefore, future attempts to broaden this statutory compromise should be resisted.

**Insert: "NEW SECTION. Section 2. Definitions.** For the purposes of [sections 1 through 4], the following definitions apply:

- (1) "Access" means access to streams and rivers for uses as provided in Title 23, chapter 2, part 3.
- (2) "Board" means the board of county commissioners.
- (3) "Department" means the department of fish, wildlife, and parks provided for in 2-15-3401.
- (4) "Improved access" means the erection, repair, or replacement of a portion of a fence that provides public access to a stream or river, including but not limited to gates, stiles, polyvinyl chloride overwire, or other methods designed to enhance public access as provided in [section 4(3)].
- (5) "Legal fence" has the meaning provided in 81-4-101.
- (6) "Landowner" means the entity that holds title to the land subject to a county road right-of-way easement or the entity's lessee or agent.
- (7) "Prevents public access" means a situation in which a fence allowed under [sections 1 through 4] creates a barrier or makes access to a stream or river more difficult."

**Insert: "NEW SECTION. Section 3. Stream access location.** (1) Subject to subsection (5), a person may gain access to a stream or river by using a county bridge, its right-of-way, and its abutments.

(2) Subject to subsection (5), a person may gain access to a stream or river by use of a county road right-of-way as described in 7-14-2112 and acquired pursuant to 7-14-2107.

(3) A person is required to stay within the road and bridge easement or right-of-way to gain access to a stream or river. Absent any definition in an easement or deed to the contrary, the width of a bridge right-of-way easement is the same as the right-of-way easement for the county road to which it is connected. The standard width of a right-of-way is provided for in 7-14-2112, and a right-of-way is acquired pursuant to 7-14-2107.

(4) The board of the county where a bridge on a county road is located may, by a reasonable exercise of the governing body's police power, condition access for purposes of public safety, but only to the extent necessary for public safety. The board may consult with the department on conditions of access.

(5) Access to streams and rivers from a county road or bridge created by prescription is dependent upon the use of the road or bridge during the prescription period.

(6) [Sections 1 through 4] may not be construed to require the county to construct or maintain areas for parking, paths, walkways, steps, ramps, or other accommodations in the county's reasonable exercise of its police power as provided in subsection (4), but the county may do so if the county chooses."

**Insert: "NEW SECTION. Section 4. Fences within bridge right-of-way easements -- legal fence requirement -- cost reimbursement -- arbitration of disputes.** (1) (a) Pursuant to the provisions of subsection (1)(b), a landowner may request authorization from the board to erect, repair, or replace a legal fence in the county road right-of-way by abutting or attaching the fence to a county bridge edge, guardrail, or abutment for the purpose of controlling livestock.

(b) (i) The board may, in its discretion, issue a permit to a requesting landowner in accordance with subsection (1)(a). The permit must be recorded with the clerk and recorder of the county.

(ii) The permit issued by the board may impose reasonable conditions as long as the fence is a legal fence that does not prevent public access or provides improved access.

(c) A legal fence that is located in the county road right-of-way and that is abutted or attached to a county bridge edge, guardrail, or abutment may not prevent public access to a stream or river at the bridge, guardrail, or abutment unless and to the extent required for public safety as considered necessary by the board. The conditions of the public access must remain substantially the same as existed prior to the erection, repair, or replacement of the fence. Where necessary, this may be accomplished by improved access.

(2) (a) The board or the county road supervisor, as provided for in 7-14-2122, shall inspect a fence that

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is located in the county road right-of-way and that is abutted or attached to a county bridge edge, guardrail, or abutment to determine if the fence is a legal fence or if the fence prevents public access to a stream or river.

(b) If the board determines that the fence is not a legal fence or that the fence prevents public access to the stream or river, the board shall alter the fence or require the landowner, at the landowner's expense, to alter the fence within a time set by the board, not to exceed 1 year, to the satisfaction of the board.

(c) (i) If a landowner fails to alter a fence pursuant to subsection (2)(b), the board shall remove or alter the fence at the landowner's expense. If the fence prevents public access, it must be considered an encroachment pursuant to 7-14-2134.

(ii) Following notification by certified mail to the landowner at the address last shown on property tax records of the county, the landowner shall reimburse the county for the costs of removal or alteration of a fence. If the reimbursement is not made prior to July 1 of the year following the year in which the notice was received, the cost becomes a lien upon the landowner's property and, upon notification by the board of the nonpayment of the costs, the county treasurer shall collect the assessment in the same manner and at the same time as taxes for county purposes are collected.

(3) (a) The landowner is responsible for the cost of erecting, repairing, or replacing a fence located in the county road right-of-way when the fence is abutted or attached to a county bridge edge, guardrail, or abutment.

(b) If a landowner provides improved access and adheres to the requirements of subsection (3)(c), a landowner may submit to the department a request for reasonable cost reimbursement for labor and materials for the erection, repair, or replacement of the portion of the fence that provides improved public access to the stream or river. The department is not responsible for the cost of the placement of a legal fence. The request for reimbursement must provide documentation of the costs. Upon determining that a portion of the fence provides improved access and finding the costs reasonable, the department shall reimburse the landowner exclusively for the portion of the fence that provides improved access.

(c) To be eligible for cost reimbursement, a landowner who has obtained a permit issued in accordance with subsection (1) and who provides a copy of the permit to the department must be given written authorization from the department for erecting, repairing, or replacing the portion of the fence that provides improved public access to the stream or river.

(d) The department and the county do not have financial responsibility for fence construction that was not approved pursuant to subsection (3)(c).

(4) (a) The board shall make a determination of whether a fence prevents public access based on:

(i) the board's own decision that a review is necessary and appropriate; or

(ii) the receipt by the board of a written request of the landowner, the department, or any other person.

(b) The board shall prepare a notice of the determination containing the facts pertinent to the determination and shall publish the notice once in a newspaper of general circulation in the area of the bridge and fence.

(5) The landowner, the department, or any other person may petition the district court for the county where the bridge is located to name a three-member arbitration panel, as provided in subsection (6), if the landowner, the department, or any other person disagrees with the board's determination on whether a fence prevents public access or whether the conditions of that access are impaired by the fence and files the petition within 30 days of publication of the determination.

(6) Each contesting party shall provide the names of three individuals willing to serve on an arbitration panel. The district court judge shall select the three members of the arbitration panel from those submitted by the contesting parties. The members of the arbitration panel must be residents of the county at the time of selection.

(7) (a) The arbitration panel may, by majority vote of the panel, accept, reject, or modify the determination.

(b) As part of that determination, if necessary, the arbitration panel may identify alterations that must be made to ensure that the fence is a legal fence and does not prevent public access. The arbitration panel may condition the public access to a stream or river at the county bridge edge, guardrail, or abutment, as necessary, to the extent required for public safety.

(8) The determination of the arbitration panel may be appealed to the district court within 30 days. The

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standards of review for an appeal are the same as for judicial review of contested cases provided for in 2-4-704.

(9) Costs of the arbitration panel, computed in the same manner as juror's fees under 3-15-201, must be borne by the petitioning party or parties. All other parties shall bear their own costs.

(10) (a) A person who makes recreational use of surface waters flowing over or through land in the possession or under the control of another pursuant to 23-2-302 is not owed a duty by a landowner, the landowner's agent, the landowner's tenant, or the county other than that provided in subsection (10)(b). A landowner, the landowner's agent, the landowner's tenant, or the county is not liable for the condition of the right-of-way providing access.

(b) A landowner, the landowner's agent, the landowner's tenant, or the county is liable to a person making recreational use of waters or land described in subsection (10)(a) only for an act or omission that constitutes willful or wanton misconduct.

(c) A landowner or any member of the arbitration panel who participates in a decision regarding whether or not a fence prevents public access in accordance with this section is not liable to any person who is injured or whose property is damaged because of use of the public access except for an act or omission that constitutes willful and wanton misconduct."

**Insert: "Section 5.** Section 7-14-2112, MCA, is amended to read:

**"7-14-2112. Width of roads.** (1) The width of all county ~~roads, except bridges,~~ road rights-of-way, including a right-of-way adjacent to a bridge that is part of a county road but excluding alleys, or lanes, must be 60 feet unless a greater or smaller width is ordered by the board of county commissioners on petition of an interested person.

(2) The width of all private highways and ~~byroads~~ byways, except bridges, must be at least 20 feet.

(3) ~~Nothing in this~~ This section shall ~~may not~~ be construed as increasing or decreasing the width of either kind of highway or road established or used as such prior to December 31, 1966."

**Insert: "Section 6.** Section 7-14-2134, MCA, is amended to read:

**"7-14-2134. Removal of highway encroachment.** (1) ~~If~~ Except as provided in subsection (4), if any highway is encroached upon by a fence, or building, or otherwise, the road supervisor or county surveyor of the district ~~must shall~~ give notice, orally or in writing, requiring the encroachment to be removed from the highway.

(2) If the encroachment obstructs and prevents the use of the highway for vehicles, the road supervisor or county surveyor ~~must shall~~ immediately remove the ~~same~~ encroachment.

(3) The board of county commissioners may at any time order the road supervisor or county surveyor to immediately remove any encroachment.

(4) A legal fence, as defined in 81-4-101, may be permitted in the county road right-of-way when it is abutted or attached to a county bridge edge, guardrail, or abutment for the purpose of controlling livestock if the fence does not prevent public access or if it provides improved access, as defined in [section 2], and the fence is erected following the criteria provided in [section 4]."

**Insert: "NEW SECTION. Section 7. Codification instruction.** [Sections 1 through 4] are intended to be codified as an integral part of Title 23, chapter 2, and the provisions of Title 23, chapter 2, apply to [sections 1 through 4]."

**Insert: "NEW SECTION. Section 7. Effective date.** [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

**JUDICIARY** (Laslovich, Chairman):

1/31/2007

**SB 74**, introduced bill, be amended as follows:

1. Page 2, line 12.

**Following:** line 11

**Insert:** "(5) This part does not apply to a person who makes less than four loans a year and complies with the provisions of Title 31, chapter 1, part 1."

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2. Page 3, line 7.

**Following:** "suspension --"

**Insert:** "unlicensed activity --"

3. Page 3, line 25.

**Following:** "justified the"

**Strike:** "department refusing"

**Insert:** "department's refusal"

And, as amended, do pass. Report adopted.

**SB 193**, introduced bill, be amended as follows:

1. Title, line 6.

**Following:** "HOME;"

**Insert:** "REQUIRING THE AFFIDAVIT TO BE PROVIDED TO THE PARENTS AT THE SAME TIME, IF POSSIBLE;"

2. Page 2, line 11.

**Following:** "of the"

**Insert:** "emergency"

**Following:** "attorney"

**Insert:** "and provide a copy of the affidavit to the parents or guardian, if possible,"

3. Page 2, line 12.

**Following:** "the"

**Insert:** "emergency"

4. Page 2, line 13.

**Following:** "holidays, of"

**Insert:** "the"

**Following:** "emergency"

**Strike:** "placement"

**Insert:** "removal"

And, as amended, do pass. Report adopted.

**SB 278**, introduced bill, be amended as follows:

1. Page 1, line 16.

**Following:** "or a"

**Insert:** "public or"

2. Page 1, line 30.

**Following:** "or"

**Insert:** "public or"

3. Page 2, line 3.

**Following:** "or a"

**Insert:** "public or"



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4. Page 2, line 9.

**Following:** "or"

**Insert:** "public or"

5. Page 2, line 12.

**Following:** "or "

**Insert:** "public or"

6. Page 2, line 15.

**Following:** "or a"

**Insert:** "public or"

7. Page 2, line 26.

**Following:** "or"

**Insert:** "public or"

And, as amended, do pass. Report adopted.

**SB 322**, introduced bill, be amended as follows:

1. Title, line 7.

**Following:** "YEARS"

**Insert:** "IN CERTAIN CASES"

2. Page 2, line 3.

**Following:** "years"

**Insert:** "if the offender received a felony conviction under 61-7-103"

3. Page 2, line 18.

**Following:** "(2)"

**Insert:** "(a)"

**Strike:** "A"

**Insert:** "Except as provided in subsection (2)(b), a"

4. Page 2, line 19.

**Following:** "imprisonment"

**Strike:** "in the state prison"

**Following:** "term"

**Insert:** "of"

5. Page 2, line 19 through line 20.

**Following:** "~~year~~" on line 19

**Strike:** remainder of line 19 through "years" on line 20

**Insert:** "less than 30 days or more than 1 year"

6. Page 2, line 20.

**Following:** "\$~~5,000~~"

**Strike:** "in an amount not to exceed \$50,000"

**Insert:** "of not less than \$100 or more than \$5,000"

7. Page 2, line 22.

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**Following:** line 21

**Insert:** "(b) If the accident resulted in serious bodily injury or death of any person, a driver failing to stop or to comply with the requirements of subsection (1) shall upon conviction be punished by imprisonment in the state prison for a term of not less than 1 year or more than 10 years, by a fine in an amount not to exceed \$50,000, or by both fine and imprisonment."

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

**House bill** passed and transmitted to the Senate for concurrence: 1/31/2007

**HB 64**, introduced by Clark

**House bill** passed and transmitted to the Senate for concurrence: 1/31/2007

**HB 65**, introduced by Villa

**House bill** passed and transmitted to the Senate for concurrence: 1/31/2007

**HB 72**, introduced by Van Dyk

**House bill** passed and transmitted to the Senate for concurrence: 1/31/2007

**HB 145**, introduced by Sonju

**House bill** passed and transmitted to the Senate for concurrence: 1/31/2007

**HB 190**, introduced by Thomas

**House joint resolution** passed and transmitted to the Senate for concurrence: 1/31/2007

**HJR 1**, introduced by Keane

**Senate joint resolution** passed and transmitted to the Senate for concurrence: 1/31/2007

**SJR 1**, introduced by Williams

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 398**, introduced by Gebhardt, referred to Local Government.

**SB 399**, introduced by Kaufmann, Caferro, Wanzenried, Juneau, referred to Public Health, Welfare and Safety.

**SB 400**, introduced by Kaufmann, Caferro, Juneau, referred to Taxation.

**SB 401**, introduced by Kaufmann, Caferro, Wanzenried, Juneau, referred to Public Health, Welfare and Safety.

**SB 402**, introduced by Kitzenberg, Smith, Hansen, referred to Fish and Game.

**SB 403**, introduced by Lind, referred to Taxation.

**SB 404**, introduced by Lind, referred to Judiciary.

**SB 405**, introduced by Bales, Steinbeisser, Tash, Black, Brueggeman, Barkus, Curtiss, Jackson, Lewis,

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Gebhardt, Laible, referred to Natural Resources and Energy.

**SB 406**, introduced by Bales, Steinbeisser, Lewis, Tash, Black, Curtiss, Story, Gebhardt, referred to Local Government.

**SB 407**, introduced by Bales, Black, Lambert, referred to Natural Resources and Energy.

**SB 408**, introduced by Brown, referred to Judiciary.

**SB 409**, introduced by Brown, referred to Judiciary.

The following Senate joint resolution was introduced, read first time, and referred to committee:

**SJR 9**, introduced by Gallus, Harrington, Williams, Weinberg, Kaufmann, Reinhart, Hamilton, Keane, Ankney, referred to State Administration.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Bales in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 243** - Senator Balyeat moved consideration of **SB 243** be passed for the day. Motion carried.

**SB 4** - Senator Harrington moved **SB 4** do pass. Motion carried with Senator McGee voting nay.

**SB 89** - Senator Barkus moved **SB 89**, second reading copy, be amended as follows:

1. Page 1, lines 10 through 30.

**Strike:** line 10 through line 30 in their entirety

Amendment **not** adopted as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, O'Neil, Peterson, Ryan, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 22

Nays: Balyeat, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Murphy, Pease, Perry, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 28

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 89** - Senator Williams moved **SB 89** do pass. Motion carried unanimously.

**SB 248** - Senator Story moved **SB 248** do pass. Motion carried unanimously.

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**SB 81** - Senator Schmidt moved **SB 81** do pass. Motion carried unanimously.

**SB 159** - Senator Harrington moved **SB 159** do pass. Motion carried unanimously.

**SB 185** - Senator Hawks moved **SB 185** do pass. Motion carried unanimously.

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Bales moved the Committee of the Whole report be adopted. Report adopted unanimously.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 41** passed as follows:

Yeas: Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 46

Nays: Bales, Balyeat, Barkus, McGee.  
Total 4

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 214** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SJR 2** adopted as follows:

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Yeas: Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 46

Nays: Bales, Esp, Gebhardt, McGee.  
Total 4

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 143** passed as follows:

Yeas: Balyeat, Barkus, Brown, Brueggeman, Cobb, Curtiss, Elliott, Esp, Essmann, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 43

Nays: Bales, Black, Cocchiarella, Gallus, Gebhardt, McGee, M.Tropila.  
Total 7

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 227** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

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**SB 282** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 25** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 32** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

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Excused: None.  
Total 0

**SB 67** passed as follows:

Yeas: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 26

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 24

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 249 failed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Laslovich, Lewis, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 24

Nays: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Lind, McGee, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 26

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**MOTIONS**

**SEN. JOHN BRUEGGEMAN, SD 6, POLSON** moved his vote be changed from no to yes on **SB 250**. Motion carried.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1 p.m., Thursday, February 1, 2007. Motion carried.

Senate adjourned at 3:12 p.m.

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JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate



**SENATE JOURNAL  
60TH LEGISLATURE  
TWENTY-SECOND LEGISLATIVE DAY**

Helena, Montana  
February 1, 2007

Senate Chambers  
State Capitol

Senate convened at 1 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Harrington, Murphy, excused. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Hansen, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Lewis, Lind, McGee, Moss, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 41

Nays: Balyeat, Esp, Gebhardt, Jackson, O'Neil, Shockley.

Total 6

Absent or not voting: None.

Total 0

Excused: Harrington, Laslovich, Murphy.

Total 3

**REPORTS OF STANDING COMMITTEES**

**EDUCATION AND CULTURAL RESOURCES** (Ryan, Chairman):

2/1/2007

**SB 225**, introduced bill, be amended as follows:

1. Page 1, line 22.

**Strike:** "an"

**Insert:** "the"

And, as amended, do pass. Report adopted.

**PUBLIC HEALTH, WELFARE AND SAFETY** (Weinberg, Chairman):

2/1/2007

**SB 236**, do pass. Report adopted.

**TAXATION** (Elliott, Chairman):

2/1/2007

**SB 21**, do pass. Report adopted.

**MOTIONS**

**SEN. KEITH BALES, SD 20, OTTER** moved **SB 405** from Natural Resources Committee to Finance and Claims Committee. Motion carried.

**SEN. TRUDI SCHMIDT, SD 11, GREAT FALLS** moved **SB 113 and SB 235** to Finance and Claims Committee. Motion carried.

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**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 410**, introduced by Ryan, Cooney, Parker, Larson, Pease, Smith, Jacobson, McGee, Lange, Ebinger, Gallus, Wilson, Branae, Kaufmann, Williams, Kitzenberg, Cocchiarella, Laslovich, Brueggeman, Barkus, Noonan referred to State Administration.

**SB 411**, introduced by Laible, referred to Judiciary.

**SB 412**, introduced by Brueggeman, Hollenbaugh, Ankney, referred to State Administration.

**SB 413**, introduced by Moss, Musgrove, referred to Finance and Claims.

**SB 414**, introduced by Laslovich, Lewis, Parker, Mendenhall, Murphy, referred to Highways and Transportation.

**SB 415**, introduced by Shockley, referred to Highways and Transportation.

**SB 416**, introduced by Kaufmann, Mendenhall, referred to Taxation.

The following House bills were introduced, read first time, and referred to committees:

**HB 75**, introduced by McChesney, referred to Finance and Claims.

**HB 83**, introduced by Hiner, referred to Judiciary.

**HB 91**, introduced by Clark, referred to Judiciary.

**HB 162**, introduced by Hiner, referred to Judiciary.

**HB 193**, introduced by Nooney, referred to Fish and Game.

**HB 269**, introduced by Rice, referred to Agriculture, Livestock and Irrigation.

**HB 286**, introduced by Augare, referred to Business, Labor, and Economic Affairs.

**HB 319**, introduced by Glaser, referred to Judiciary.

**HB 333**, introduced by McChesney, referred to Business, Labor, and Economic Affairs.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator J. Tropila in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 208** - Senator M. Tropila moved **SB 208** do pass. Motion carried as follows:

Yeas: Bales, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Essmann, Gallus, Gillan, Hansen, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Pease, Perry, Ryan, Schmidt, Shockley, Smith, Squires, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 35

Nays: Balyeat, Barkus, Curtiss, Esp, Gebhardt, Jackson, Laible, McGee, O'Neil, Peterson, Stapleton, Steinbeisser, Tash.  
Total 13

Absent or not voting: None.  
Total 0

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Excused: Harrington, Murphy.

Total 2

**SB 237** - Senator Brueggeman moved **SB 237** do pass. Motion carried unanimously.

**SB 125** - Senator Williams moved consideration of **SB 125** be passed for the day. Motion carried unanimously.

**SB 228** - Senator Laslovich moved **SB 228** do pass. Motion carried unanimously.

**SB 116** - Senator Brueggeman moved **SB 116** do pass. Motion carried unanimously.

**SB 11** - Senator Cocchiarella moved **SB 11** do pass. Motion carried unanimously.

**SB 113** - Senator Lewis moved **SB 113** do pass. Motion carried with Senator Brown, Barkus, McGee, Stapleton, Balyeat, O'Neil voting nay.

**SB 235** - Senator Gallus moved **SB 235** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, McGee, Moss, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 41

Nays: Barkus, Cobb, Esp, Gebhardt, Laible, Lind.

Total 6

Absent or not voting: None.

Total 0

Excused: Harrington, Murphy, Tash.

Total 3

**SB 239** - Senator Balyeat moved **SB 239** do pass. Motion carried unanimously.

**SB 243** - Senator Balyeat moved consideration of **SB 243** be passed for the day. Motion carried.

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman J. Tropila moved the Committee of the Whole report be adopted. Report adopted unanimously.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 4** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson,

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Laslovich, Lewis, Lind, Moss, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 46

Nays: McGee.  
Total 1

Absent or not voting: None.  
Total 0

Excused: Harrington, Murphy, Tash.  
Total 3

**SB 89** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 46

Nays: McGee.  
Total 1

Absent or not voting: None.  
Total 0

Excused: Harrington, Murphy, Tash.  
Total 3

**SB 248** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 47

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Harrington, Murphy, Tash.  
Total 3

**SB 81** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson,

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Laslovich, Lewis, Lind, McGee, Moss, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 47

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Harrington, Murphy, Tash.  
Total 3

**SB 159** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 47

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Harrington, Murphy, Tash.  
Total 3

**SB 185** passed as follows:

Yeas: Balyeat, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Gallus, Gebhardt, Gillan, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 42

Nays: Bales, Barkus, Esp, Essmann, McGee.  
Total 5

Absent or not voting: None.  
Total 0

Excused: Harrington, Murphy, Tash.  
Total 3

**UNFINISHED BUSINESS**

**SEN. COREY STAPLETON, SD 27, BILLINGS** commented that hearings being extended into the next day have raised a question and a concern for citizens traveling long distances. He explained that the Senate Rules

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address that citizens must send in written comments or they must appear at hearings but the Senate Rules don't address citizens calling in. He suggested **SEN. CAROL WILLIAMS, SD 46, MISSOULA** schedule discussions on this matter in the Rules Committee.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1 p.m., Friday, February 2, 2007. Motion carried.

Senate adjourned at 2:35 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

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60TH LEGISLATURE  
TWENTY-THIRD LEGISLATIVE DAY**

Helena, Montana  
February 2, 2007

Senate Chambers  
State Capitol

Senate convened at 1 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Stapleton, Schmidt, Brueggeman, excused. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 42

Nays: Balyeat, Gebhardt, Jackson, O'Neil, Shockley.

Total 5

Absent or not voting: None.

Total 0

Excused: Brueggeman, Schmidt, Stapleton.

Total 3

**MESSAGES FROM THE GOVERNOR**

**GOVERNOR BRIAN SCHWEITZER** signed the following bills today and delivered them to the Secretary of the State's office: **HB 1, HB 10 AND HB 42.**

**MESSAGES FROM THE OTHER HOUSE**

**House bill** passed and transmitted to the Senate for concurrence: 2/2/2007

**HB 287**, introduced by Wiseman

**House bill** passed and transmitted to the Senate for concurrence: 2/2/2007

**HB 317**, introduced by Sinrud

**House bill** passed and transmitted to the Senate for concurrence: 2/2/2007

**HB 384**, introduced by Rice

**MOTIONS**

**SEN. TRUDI SCHMIDT, SD 11, GREAT FALLS** moved **SB 243** be re-referred to Finance and Claims Committee. Motion carried.

**SEN. JOSEPH TROPILA, SD 13, GREAT FALLS** moved **SB 172** from second reading re-referred to State Administration Committee. Motion carried.

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**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 417**, introduced by Brown, Gillan, Moss, Thomas, Blasdel, Kaufmann, Gebhardt, Black, J. Peterson, Grinde, Harrington, McNutt, Olson, Sonju, Hollenbaugh, referred to Public Health, Welfare and Safety.

**SB 418**, introduced by Weinberg, referred to Taxation.

**SB 419**, introduced by Lind, referred to Business, Labor, and Economic Affairs.

**SB 420**, introduced by Lind, Williams, Windy Boy, referred to Natural Resources and Energy.

**SB 421**, introduced by Lind, Morgan, referred to Public Health, Welfare and Safety.

The following House bills were introduced, read first time, and referred to committees:

**HB 287**, introduced by Wiseman, referred to Judiciary.

**HB 384**, introduced by Rice, referred to Judiciary.

**REPORTS OF STANDING COMMITTEES**

**AGRICULTURE, LIVESTOCK AND IRRIGATION** (Hansen, Chairman):

2/2/2007

**SB 328**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** "PRODUCTS BY"

**Strike:** "PUBLIC AGENCIES;"

**Insert:** "GOVERNMENTAL BODIES; CLARIFYING TERMINOLOGY;"

2. Page 2, line 29.

**Following:** "or by"

**Strike:** "open"

**Insert:** "direct"

3. Page 2, line 29 through line 30.

**Following:** "purchase" on line 29

**Strike:** remainder of line 29 through "sold" on line 30

4. Page 2, line 30.

**Following:** "procured by"

**Strike:** "open"

**Insert:** "direct"

5. Page 2, line 30 through page 3, line 1.

**Following:** "purchase" on line 30

**Strike:** remainder of line 30 through "procedures" on page 3, line 1

6. Page 3, line 4.



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**Strike:** subsection (ii) in its entirety  
**Renumber:** subsequent subsections

7. Page 3, line 5.

**Following:** "a"

**Strike:** "bidder"

**Insert:** "vendor"

8. Page 3, line 6.

**Following:** "bid"

**Strike:** "or quoted price"

9. Page 3, line 9.

**Strike:** "public agency"

**Insert:** "governmental body"

10. Page 3, line 10.

**Strike:** "public agency's"

**Insert:** "governmental body's"

11. Page 3, line 16.

**Following:** "collected,"

**Insert:** "processed,"

12. Page 3, line 20.

**Strike:** "public"

13. Page 3, line 21.

**Strike:** "public agencies"

**Insert:** "governmental bodies"

**Following:** "bidding"

**Insert:** "or direct purchase"

And, as amended, do pass. Report adopted.

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Cocchiarella, Chairman):

2/2/2007

**SB 153**, introduced bill, be amended as follows:

1. Title, line 26.

**Following:** "FACILITIES;"

**Insert:** "PROVIDING ACUPUNCTURISTS WITH LIEN RIGHTS;"

2. Title, line 30.

**Following:** "37-73-208,"

**Strike:** remainder of line 30

3. Page 5, lines 4 through 5.

**Strike:** "or" on line 4 through "outpatient" on line 5

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**Insert:** ", a"

**Following:** "diagnostic" on line 5

**Strike:** ", "

4. Page 5, line 6.

**Strike:** "an"

**Insert:** "a diagnostic"

5. Page 6, line 28.

**Strike:** "45"

**Insert:** "46"

6. Page 25, line 28.

**Following:** "(11)"

**Insert:** "(a)"

7. Page 26.

**Following:** line 1

**Insert:** "(b) The term does not include a person whose primary business is that of a locksmith and who may also install closed circuit television cameras and battery-operated door devices."

8. Page 27, line 26.

**Following:** "(23)"

**Insert:** "(a)"

9. Page 27.

**Following:** line 28

**Insert:** "(b) The term does not include a person whose primary business is that of a locksmith and who may also install closed circuit television cameras and battery-operated door devices."

10. Page 34, line 30 through page 51, line 15.

**Strike:** sections 43 through 46 in their entirety

**Renumber:** subsequent sections

11. Page 52, line 3.

**Following:** "Therapist,"

**Insert:** "Acupuncturist,"

12. Page 52, line 8.

**Following:** the second "therapists,"

**Insert:** "acupuncturists,"

13. Page 52, line 28.

**Following:** the second "therapists,"

**Insert:** "acupuncturists,"

14. Page 53, line 2.

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**Following:** the second "therapist,"  
**Insert:** "acupuncturist,"

15. Page 53, line 9.  
**Following:** the second "therapist,"  
**Insert:** "acupuncturist,"

16. Page 53, line 19.  
**Following:** the second "therapist,"  
**Insert:** "acupuncturist,"

17. Page 53, line 26.  
**Following:** the second "therapist,"  
**Insert:** "acupuncturist,"

18. Page 54, line 4.  
**Following:** the second "therapist,"  
**Insert:** "acupuncturist,"

19. Page 54, line 9.  
**Following:** the second "therapist,"  
**Insert:** "acupuncturist,"

20. Page 54, line 18.  
**Following:** the second "therapist,"  
**Insert:** "acupuncturist,"

21. Page 54, line 21.  
**Following:** "therapist,"  
**Insert:** "acupuncturist,"

22. Page 54, line 27.  
**Following:** "therapy,"  
**Insert:** "acupuncture,"

23. Page 55, line 2.  
**Following:** the second "therapist,"  
**Insert:** "acupuncturist,"

And, as amended, do pass. Report adopted.

**SB 165**, introduced bill, be amended as follows:

1. Page 4, line 13.  
**Following:** "(2)"  
**Insert:** "(a)"

2. Page 4.

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**Following:** line 14

**Insert:** "(b) The department may charge a licensee for no more than three examinations a year under this section."

And, as amended, do pass. Report adopted.

**SB 209**, introduced bill, be amended as follows:

1. Title, line 8.

**Strike:** "15-1-121,"

2. Page 2, line 8 through page 13, line 24.

**Strike:** section 2 in its entirety

**Renumber:** subsequent sections

3. Page 14, line 2.

**Following:** "60."

**Insert:** "A process server who holds a valid certificate of registration from a clerk of court in this state as of July 1, 2007, shall present the registration certificate to the board, and the board shall exchange that registration certificate for a new certificate that expires on March 31, 2009."

4. Page 15, line 4.

**Following:** "60."

**Insert:** "A clerk of court holding a surety bond for a process server under this section as of June 30, 2007, shall transfer the original bond and any supporting documentation to the board on July 1, 2007."

And, as amended, do pass. Report adopted.

**FINANCE AND CLAIMS** (Schmidt, Chairman):

2/2/2007

**SB 22**, introduced bill, be amended as follows:

1. Page 1, line 15.

**Strike:** "150%"

**Insert:** "175%"

2. Page 1, line 16 through line 17.

**Following:** "level" on line 16

**Strike:** remainder of line 16 through "SUBSECTION(5)." on line 17

3. Page 2, line 1 through line 6.

**Strike:** line 1 through "PARTICIPATE." on line 6

And, as amended, do pass. Report adopted.

**SB 75**, introduced bill, be amended as follows:

1. Title, line 12.

**Following:** "REVENUE"

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**Insert:** "PLUS ROYALTY REVENUE RECEIVED FROM THE LEASING AND PRODUCTION OF MINERALS"

2. Title, page 2, line 1.

**Following:** "77-1-608,"

**Insert:** "AND"

3. Title, page 2, line 2.

**Strike:** "AND 77-1-613,"

4. Page 4, line 8.

**Following:** "exceed"

**Insert:** ":",

5. Page 4, line 10.

**Following:** "10%"

**Insert:** "(a)"

6. Page 4, line 13.

**Strike:** "(a)"

**Insert:** "(i)"

7. Page 4, line 15.

**Strike:** "(b)"

**Insert:** "(ii)"

8. Page 4, line 16.

**Following:** "biennium"

**Insert:** "; and

(b) royalty revenue received from the leasing and production of minerals, provided that the appropriation of funds received from the sale of minerals may not exceed 50% of the trust land management division's appropriated budget"

9. Page 4, line 17.

**Following:** "(4)"

**Insert:** "(a)"

**Following:** "17-7-304"

**Insert:** " and subsection (4)(b) of this section"

10. Page 4.

**Following:** line 19

**Insert:** "(b) Funds received as the result of royalties received from the leasing and production of minerals that are unreserved at the end of the fiscal year must be transferred to each of the permanent funds or to the appropriate trust or distributed to the beneficiary in proportionate share to each fund's contribution to the account."

11. Page 4, line 26.

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**Following:** "other"

**Strike:** "trusts"

**Insert:** "trusts' distributable revenue accounts"

12. Page 5, line 8.

**Following:** "~~following~~"

**Insert:** ":

(a)"

13. Page 5, line 9.

**Following:** "77-1-108"

**Insert:** ";

(b) royalty revenue received from the leasing and production of minerals, provided that the amount resulting from the sale of minerals does not exceed 50% of the trust land management division's appropriated budget;"

14. Page 5, line 15.

**Following:** "~~(d)~~"

**Insert:** "(c)"

15. Page 12, line 30.

**Following:** "77-1-608,"

**Insert:** "and"

16. Page 13, line 1.

**Strike:** "and 77-1-613,"

And, as amended, do pass. Report adopted.

**FISH AND GAME** (Tropila, Chairman):

2/2/2007

**SB 166**, introduced bill, be amended as follows:

1. Title, page 1, line 8.

**Following:** "RESIDENTS"

**Insert:** "AND CERTAIN NONRESIDENTS"

2. Title, page 1, line 14.

**Strike:** "AND A TERMINATION DATE"

3. Page 3, line 3.

**Following:** "members --"

**Strike:** "resident"

4. Page 3, line 12.

**Following:** "department."

**Insert:** "(5) Regardless of age, a nonresident who has been awarded a purple heart for service in the armed forces of the United States is entitled to fish and hunt game birds, not including wild turkeys, with a conservation license issued by the department during expeditions arranged for the nonresident by a

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nonprofit organization that uses fishing and hunting as part of the rehabilitation of disabled veterans.  
(6)"

5. Page 3, line 12.

**Following:** "The"

**Strike:** "department"

**Insert:** "department' s"

6. Page 3, line 13.

**Following:** "transfer"

**Insert:** "of funds"

**Following:** "general fund"

**Insert:** "to the general license account"

7. Page 3, line 14.

**Strike:** "this subsection"

**Insert:** "subsections (4) and (5)"

8. Page 3, line 14.

**Strike:** "Reimbursed"

**Insert:** "Reimbursement"

9. Page 5, line 22.

**Strike:** "87-1-805(5)"

**Insert:** "87-2-805(5)"

10. Page 6, line 22.

**Strike:** section 7 in its entirety

And, as amended, do pass. Report adopted.

**SB 372**, introduced bill, be amended as follows:

1. Title, line 8.

**Following:** "FIELD"

**Insert:** ", EXCEPT A WOLF THAT IS KILLED WHILE ATTACKING, KILLING, OR THREATENING TO  
KILL A PERSON OR LIVESTOCK"

2. Page 3, line 3.

**Following:** "wolf"

**Insert:** ", except as provided in 87-3-130,"

And, as amended, do pass. Report adopted.

**HIGHWAYS AND TRANSPORTATION** (Pease, Chairman):

2/2/2007

**SB 271**, do pass. Report adopted.

**SB 305**, do pass. Report adopted.

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**JUDICIARY** (Laslovich, Chairman):

2/2/2007

**SB 266**, introduced bill, be amended as follows:

1. Title, line 4.

**Strike:** "PROVIDING"

**Insert:** "CLARIFYING THAT"

2. Title, line 5.

**Following:** "CAPACITY"

**Strike:** "WITH IMMUNITY"

**Insert:** "ARE IMMUNE"

3. Page 1, line 13.

**Following:** "suit for"

**Strike:** "all"

**Following:** "damages"

**Insert:** ", as provided in 2-9-305"

4. Page 1, line 16 through line 17.

**Following:** "office." on line 16

**Strike:** remainder of line 16 through "2-9-305." on line 17

5. Page 1, line 19 through line 21.

**Strike:** section 2 in its entirety

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**SB 318**, introduced bill, be amended as follows:

1. Page 1, line 30.

**Following:** line 29

**Insert:** "(b) "Flying of aircraft" means the operation of aircraft, including but not limited to landing, parking, taking off, unloading, loading, and taxiing of aircraft."

**Renumber:** subsequent subsections

2. Page 2, line 25.

**Following:** line 24

**Insert:** "(b) "Flying of aircraft" means the operation of aircraft, including but not limited to landing, parking, taking off, unloading, loading, and taxiing of aircraft."

**Renumber:** subsequent subsections

And, as amended, do pass. Report adopted.

**LOCAL GOVERNMENT** (Gillan, Chairman):

2/2/2007

**SB 33**, introduced bill, be amended as follows:

1. Page 3, line 3.



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**Following:** "(3)"

**Insert:** "(a)"

**Following:** "entity"

**Insert:** "as defined in [section 1(2)(a)(i)]"

2. Page 3.

**Following:** line 3

**Insert:** "(b) Each governmental entity as defined in [section 1(2)(a)(ii)] shall complete the requirements of this section by September 1, 2010."

And, as amended, do pass. Report adopted.

**SB 244**, introduced bill, be amended as follows:

1. Title, line 4.

**Following:** "THE"

**Insert:** "POTENTIAL"

2. Title, line 5.

**Strike:** "TO" through "\$5,000"

3. Page 1, line 13.

**Strike:** "less" through "\$5,000"

**Insert:** "to exceed \$2,500"

And, as amended, do pass. Report adopted.

**SB 245**, do pass. Report adopted.

**SB 261**, do pass. Report adopted.

**SB 320**, introduced bill, be amended as follows:

1. Title, line 5.

**Strike:** "DEFINITIONS"

**Insert:** "DEFINITION"

**Strike:** "'RESORT AREA" AND"

2. Page 1, line 23.

**Strike:** "and"

3. Page 1, line 25.

**Following:** "(b)"

**Insert:** "has a population of less than 2,500 according to the most recent federal census or federal estimate;  
(c)"

**Strike:** "a"

**Insert:** "the major"

4. Page 1, line 29.

**Following:** "~~7-6-1508~~"

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**Insert:** "; and

(d) has been designated by the department of commerce as a resort area prior to its establishment by the county commissioners as provided in 7-6-1508"

And, as amended, do pass. Report adopted.

**TAXATION** (Elliott, Chairman):

2/2/2007

**SB 316**, introduced bill, be amended as follows:

1. Title, line 7.

**Strike:** "THROUGH EMINENT DOMAIN PROCEEDINGS"

**Insert:** "FOR A PUBLIC USE"

**Following:** "STATE"

**Insert:** "OR A LOCAL GOVERNMENT"

2. Page 3, line 3.

**Strike:** "because of an eminent domain proceeding"

**Insert:** "for a public use described in 70-30-102"

3. Page 3, line 4.

**Following:** "state"

**Insert:** ", a county, or a municipality,"

**Strike:** "proceeding"

**Insert:** "reduction in acres"

And, as amended, do pass. Report adopted.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Esp in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 125** - Senator Harrington moved consideration of **SB 125** be passed for the day. Motion carried unanimously.

**SB 243** - Senator Balyeat moved **SB 243** do pass. Motion carried unanimously.

**SB 161** - Senator Laible moved **SB 161** do pass. Motion carried unanimously.

**SB 205** - Senator Jent moved **SB 205** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Black, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Ryan, Schmidt, Smith, Squires, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 35

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Nays: Barkus, Brown, Cobb, Essmann, Gebhardt, Jackson, Laible, McGee, O'Neil, Peterson, Shockley, Stapleton, Steinbeisser, Story.

Total 14

Absent or not voting: None.

Total 0

Excused: Brueggeman.

Total 1

**SB 74** - Senator Jent moved **SB 74** do pass. Motion carried unanimously.

**SB 193** - Senator Laslovich moved **SB 193** do pass. Motion carried unanimously.

**SB 136** - Senator J. Tropila moved **SB 136** do pass. Motion carried unanimously.

**SB 172** - Senator J. Tropila moved consideration of **SB 172** be passed for the day. Motion carried.

**SB 177** - Senator Squires moved **SB 177** do pass. Motion carried unanimously.

**SB 181** - Senator Cobb moved **SB 181** do pass. Motion carried unanimously.

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Esp moved the Committee of the Whole report be adopted. Report adopted unanimously.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 208** passed as follows:

Yeas: Bales, Brown, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 36

Nays: Balyeat, Barkus, Black, Esp, Gebhardt, Jackson, Laible, McGee, Murphy, O'Neil, Stapleton, Steinbeisser, Story.

Total 13

Absent or not voting: None.

Total 0

Excused: Brueggeman.

Total 1

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**SB 237** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Brueggeman.

Total 1

**SB 228** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Brueggeman.

Total 1

**SB 116** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

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Total 0

Excused: Brueggeman.

Total 1

**SB 11** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Brueggeman.

Total 1

**SB 239** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Brueggeman.

Total 1

**UNFINISHED BUSINESS**

**SEN. COREY STAPLETON, SD 27, BILLINGS** asked for a copy of the Governor's energy plan. Senator Cooney responded he wasn't sure where the bill was at this time but that he would find out and would make sure a copy of the legislation was submitted to Senator Stapleton.

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**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 8:00 a.m., Saturday, February 3, 2007. Motion carried.

Senate adjourned at 2:12 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

**SENATE JOURNAL  
60TH LEGISLATURE  
TWENTY-FOURTH LEGISLATIVE DAY**

Helena, Montana  
February 3, 2007

Senate Chambers  
State Capitol

Senate convened at 8:00 a.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Brueggeman, Harrington, Stapleton, excused.

Yeas: Bales, Barkus, Black, Brown, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 42

Nays: Balyeat, Gebhardt, Jackson, O'Neil, Shockley.  
Total 5

Absent or not voting: None.  
Total 0

Excused: Brueggeman, Harrington, Stapleton.  
Total 3

Quorum present.

**MESSAGES FROM THE OTHER HOUSE**

**House bill** passed and transmitted to the Senate for concurrence: 2/2/2007

**HB 120**, introduced by Henry

**House bill** passed and transmitted to the Senate for concurrence: 2/2/2007

**HB 171**, introduced by Hamilton

**House bill** passed and transmitted to the Senate for concurrence: 2/2/2007

**HB 225**, introduced by Koopman

**House bill** passed and transmitted to the Senate for concurrence: 2/2/2007

**HB 247**, introduced by Windy Boy

**House bill** passed and transmitted to the Senate for concurrence: 2/2/2007

**HB 251**, introduced by Stoker

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**House bill** passed and transmitted to the Senate for concurrence: 2/2/2007

**HB 260**, introduced by Reinhart

**House bill** passed and transmitted to the Senate for concurrence: 2/2/2007

**HB 281**, introduced by McGillvray

**MOTIONS**

**SEN. DAN WEINBERG, SD 2, WHITEFISH** referred **SB 118** to Finance and Claims Committee. Motion carried.

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 422**, introduced by Gebhardt, Wanzenried, referred to Highways and Transportation.

**SB 423**, introduced by Kaufmann, referred to Public Health, Welfare and Safety.

**SB 424**, introduced by Moss, referred to Judiciary.

**SB 425**, introduced by Jackson, Black, J. Peterson, Noonan, Musgrove, Heinert, Lambert, Keane, Hamilton, Cordier, referred to Natural Resources and Energy.

**SB 426**, introduced by Jent, K. Peterson, O'Neil, Laslovich, referred to Judiciary.

The following House bills were introduced, read first time, and referred to committees:

**HB 120**, introduced by Henry, referred to Public Health, Welfare and Safety.

**HB 171**, introduced by Hamilton, referred to Fish and Game.

**HB 247**, introduced by Windy Boy, referred to Judiciary.

**HB 251**, introduced by Stoker, referred to Judiciary.

**HB 260**, introduced by Reinhart, Ankney, referred to State Administration.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Laslovich in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 125** - Senator Williams moved consideration of **SB 125** be passed for the day. Motion carried.

**SB 236** - Senator Gallus moved **SB 236** do pass. Motion carried with Senator Lind voting nay.

**SB 224** - Senator Shockley moved **SB 224** do pass. Motion carried as follows:



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Yeas: Bales, Balyeat, Black, Cobb, Curtiss, Elliott, Essmann, Gillan, Hansen, Hawks, Jackson, Jent, Juneau, Laible, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Stapleton, Steinbeisser, Story, Tash, Williams, Mr. President.

Total 32

Nays: Barkus, Brown, Cocchiarella, Esp, Gallus, Gebhardt, Kaufmann, Kitzenberg, Larson, McGee, Smith, Squires, J. Tropila, M. Tropila, Wanzenried, Weinberg.

Total 16

Absent or not voting: None.

Total 0

Excused: Brueggeman, Harrington.

Total 2

**SB 68** - Senator Williams moved **SB 125** be placed at the bottom of the board. Motion carried.

**SB 204** - Senator Ryan moved **SB 204** do pass. Motion carried unanimously.

**SB 225** - Senator Moss moved **SB 225** do pass. Motion carried with Senator Curtiss, Stapleton voting nay.

**HB 21** - Senator Elliott moved **HB 21** be concurred in. Motion carried with Senator Esp voting nay.

**SB 68** - Senator Cobb moved **SB 68**, second reading copy, be amended as follows:

1. Page 3, line 9.

**Strike:** "the board or"

2. Page 3, line 16.

**Following:** "documents"

**Insert:** ", except as provided in subsections (2)(g) and (2)(h)"

3. Page 4, line 5.

**Strike:** "or"

4. Page 4, line 7.

**Following:** "inception"

**Insert:** ";

(g) describes any restrictions on withdrawals of investments from each alternative investment fund;

(h) relates to how the portfolio will be invested and priced and by whom and, if disputed, how pricing will be verified;

(i) is the alternative investment fund's prospectus; or

(j) is audit returns.

(3) Subsection (1) does not apply to the powers and duties of the legislative auditor under Title 5, chapter 13"

Amendment adopted as follows:

Yeas: Bales, Barkus, Black, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Jent, Kaufmann, Kitzenberg, Laible, Lewis, Lind, McGee, Moss, O'Neil, Perry, Peterson, Ryan, Shockley, Smith, Stapleton,

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Steinbeisser, Tash, J.Tropila, M.Tropila, Weinberg.  
Total 30

Nays: Balyeat, Brown, Gallus, Gillan, Hansen, Hawks, Jackson, Juneau, Larson, Laslovich, Murphy, Pease, Schmidt, Squires, Story, Wanzenried, Williams, Mr. President.  
Total 18

Absent or not voting: None.  
Total 0

Excused: Brueggeman, Harrington.  
Total 2

**SB 68** - Senator Wanzenried moved **SB 68**, as amended, do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Cobb, Cocchiarella, Curtiss, Esp, Gallus, Gebhardt, Gillan, Hansen, Hawks, Jackson, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Williams, Mr. President.  
Total 43

Nays: Elliott, Essmann, Jent, O'Neil, Weinberg.  
Total 5

Absent or not voting: None.  
Total 0

Excused: Brueggeman, Harrington.  
Total 2

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Laslovich moved the Committee of the Whole report be adopted. Report adopted unanimously.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 161** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 48

Nays: None.  
Total 0

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Absent or not voting: None.  
Total 0

Excused: Brueggeman, Harrington.  
Total 2

**SB 205** passed as follows:

Yeas: Bales, Balyeat, Black, Cocchiarella, Elliott, Essmann, Gallus, Gillan, Hansen, Hawks, Jent, Juneau, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Ryan, Schmidt, Shockley, Squires, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 32

Nays: Barkus, Brown, Cobb, Curtiss, Esp, Gebhardt, Jackson, Kaufmann, Laible, McGee, O'Neil, Peterson, Smith, Stapleton, Steinbeisser, Story.  
Total 16

Absent or not voting: None.  
Total 0

Excused: Brueggeman, Harrington.  
Total 2

**SB 74** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 46

Nays: O'Neil, Shockley.  
Total 2

Absent or not voting: None.  
Total 0

Excused: Brueggeman, Harrington.  
Total 2

**SB 193** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 48

Nays: None.  
Total 0

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Absent or not voting: None.  
Total 0

Excused: Brueggeman, Harrington.  
Total 2

**SB 136** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 48

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Brueggeman, Harrington.  
Total 2

**SB 177** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 48

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Brueggeman, Harrington.  
Total 2

**SB 181** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 48

Nays: None.  
Total 0

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Absent or not voting: None.  
Total 0

Excused: Brueggeman, Harrington.  
Total 2

**MOTIONS**

**SEN. TRUDI SCHMIDT, SD 11, GREAT FALLS** moved to place **SB 68** in the Finance and Claims Committee. Motion carried.

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1 p.m., Monday, February 5, 2007. Motion carried.

Senate adjourned at 9:29 a.m.

JOHN MUDD

Secretary of the Senate

MIKE COONEY  
President of the Senate

**SENATE JOURNAL  
60TH LEGISLATURE  
TWENTY-FIFTH LEGISLATIVE DAY**

Helena, Montana  
February 5, 2007

Senate Chambers  
State Capitol

Senate convened at 1 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. Senators Schmidt, Gillian, Elliott, and Brueggeman excused. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gallus, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 40

Nays: Balyeat, Gebhardt, Jackson, Lind, O'Neil, Shockley.  
Total 6

Absent or not voting: None.  
Total 0

Excused: Brueggeman, Elliott, Gillan, Schmidt.  
Total 4

**MOTIONS**

**SEN. GREG LIND, SD 50, MISSOULA** moved **SB 118** have Senators Lind and Weinberg added as sponsors.  
Motion carried.

**SEN. CHRISTINE KAUFMANN, SD 41, HELENA** moved **SB 423** be moved to Natural Resources and Energy Committee. Motion carried.

**MESSAGES FROM THE OTHER HOUSE**

**House bill** passed and transmitted to the Senate for concurrence: 2/5/2007

**HB 149**, introduced by Jopek

**House bill** passed and transmitted to the Senate for concurrence: 2/5/2007

**HB 255**, introduced by Clark

**House bill** passed and transmitted to the Senate for concurrence: 2/5/2007

**HB 257**, introduced by Lake

**House bill** passed and transmitted to the Senate for concurrence: 2/5/2007

**HB 322**, introduced by Sinrud

**House bill** passed and transmitted to the Senate for concurrence: 2/5/2007

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**HB 470**, introduced by Olson

**House joint resolution** passed and transmitted to the Senate for concurrence:

2/5/2007

**HJR 5**, introduced by Lange

**MESSAGES FROM THE GOVERNOR**

**Governor Brian Schweitzer** notified the Senate that **HB 41** - introduced by Shannon Augare has been signed and delivered to the Secretary of State on February 5, 2007.

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bill was introduced, read first time, and referred to committee:

**SB 427**, introduced by Hawks, referred to Local Government.

The following House bills were introduced, read first time, and referred to committees:

**HB 149**, introduced by Jopek, referred to Judiciary.

**HB 255**, introduced by Clark, referred to Business, Labor, and Economic Affairs.

**HB 322**, introduced by Sinrud, referred to Judiciary.

**HB 470**, introduced by Olson, referred to Taxation.

**REPORTS OF STANDING COMMITTEES**

**NATURAL RESOURCES AND ENERGY** (Lind, Chairman):

2/6/2007

**SB 324**, introduced bill, be amended as follows:

1. Page 1, line 15 through line 16.

**Strike:** "measuring" on line 15 through "characteristics" on line 16

**Insert:** "stressing an aquifer by removing or adding water at a known rate and measuring the resultant change in hydraulic head for the purpose of determining the aquifer's hydraulic properties near the tested well"

And, as amended, do pass. Report adopted.

**PUBLIC HEALTH, WELFARE AND SAFETY** (Weinberg, Chairman):

2/5/2007

**SB 118**, do pass. Report adopted.

**SB 132**, introduced bill, be amended as follows:

1. Title, page 1, line 4

**Following:** "AN ACT PROVIDING"

**Strike:** "AN EXEMPTION TO"

**Insert:** "FOR INFORMED CONSENT AND A WAIVER OF"

2. Page 1, lines 19 through 21

**Following:** "state" on line 19

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**Strike:** remainder of line 19 through line 21 in their entirety

**Insert:** "or a waiver of the medical certificate requirement as provided in 40-1-203."

3. Page 1, line 24

**Strike:** "medical certificate exemption"

**Insert:** "waiver of medical certificate requirement"

4. Page 2, lines 4 through 7

**Following:** "file" on line 4

**Strike:** "remainder of line 4 through line 7 in their entirety"

**Insert:** "an informed consent form acknowledging receipt and understanding of written rubella immunity information and declining rubella immunity testing. Filing of an informed consent form will effect a waiver of the requirement for a blood test for rubella immunity. Informed consent must be recorded on a form provided by the department and must be signed by both applicants. The informed consent form must include:"

5. Page 2, line 9.

**Following:** "status;"

**Strike:** "and"

6. Page 2, line 11.

**Following:** "pregnancy"

**Strike:** " \_ "

**Insert:** "; and"

7. Page 2.

**Following:** Line 11

**Insert:** "(d) contact information indicating where applicants may obtain additional information regarding rubella and rubella immunity testing."

And, as amended, do pass. Report adopted.

**SB 162**, do pass. Report adopted.

**SB 206**, do pass. Report adopted.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Moss in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 125** - Senator Harrington moved **SB 125** do pass. Motion carried unanimously.



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**SB 127** - Senator Williams moved consideration of **SB 127** be passed for the day. Motion carried.

**SB 296** - Senator Weinberg moved **SB 296** do pass. Motion carried with Senator Stapleton, Curtiss, McGee voting nay.

**SB 328** - Senator Steinbeisser moved **SB 328** do pass. Motion carried unanimously.

**SB 153** - Senator Cocchiarella moved **SB 153** do pass. Motion carried unanimously.

**SB 271** - Senator Brown moved **SB 271** do pass. Motion carried as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cocchiarella, Essmann, Harrington, Hawks, Jent, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, McGee, Moss, Pease, Perry, Peterson, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 34

Nays: Balyeat, Curtiss, Esp, Gallus, Gebhardt, Hansen, Jackson, Juneau, Laible, Murphy, O'Neil, Ryan, Stapleton.  
Total 13

Absent or not voting: None.  
Total 0

Excused: Cobb, Elliott, Gillan.  
Total 3

**SB 305** - Senator Laslovich moved **SB 305** do pass. Motion carried unanimously.

**SB 261** - Senator Lewis moved **SB 261** do pass. Motion carried unanimously.

**SB 245** - Senator McGee moved **SB 245** do pass. Motion carried on voice vote, Senator Balyeat voting no.

**SB 33** - Senator Steinbeisser moved **SB 33** do pass. Motion carried unanimously.

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Harrington moved the Committee of the Whole report be adopted. Report adopted unanimously.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 236** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 45

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Nays: Essmann, Lind, Story.  
Total 3

Absent or not voting: None.  
Total 0

Excused: Elliott, Gillan.  
Total 2

**SB 224** passed as follows:

Yeas: Bales, Black, Brueggeman, Cobb, Essmann, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Williams, Mr. President.  
Total 37

Nays: Balyeat, Barkus, Brown, Cocchiarella, Curtiss, Esp, Gallus, Gebhardt, McGee, Smith, Weinberg.  
Total 11

Absent or not voting: None.  
Total 0

Excused: Elliott, Gillan.  
Total 2

**SB 204** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Essmann, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 47

Nays: Esp.  
Total 1

Absent or not voting: None.  
Total 0

Excused: Elliott, Gillan.  
Total 2

**SB 225** passed as follows:

Yeas: Bales, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Essmann, Gallus, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 41

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Nays: Balyeat, Barkus, Esp, Gebhardt, O'Neil, Stapleton, Steinbeisser.  
Total 7

Absent or not voting: None.  
Total 0

Excused: Elliott, Gillan.  
Total 2

**HB 21** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 48

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Elliott, Gillan.  
Total 2

**MOTIONS**

**SEN. KEN HANSEN, SD 17, HARLEM** moved his vote on **SB 271** be changed from "yes" to "no". Motion carried.

**LEGISLATIVE ADMINISTRATION** (Smith, Chairman):

2/5/2007

MR. PRESIDENT:

We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 10:00 a.m., Saturday, February 3, 2007:

TITLE

NAME

Pages:	Lindsay Crosby, Bozeman
	Hannah Harper, Helena
	Jon Hamm, Great Falls
	Sydney Best, Great Falls
	Mitzi Scheerer, Bozeman
	Kari Sinnema, Manhattan
	Elizabeth McGee, Laurel

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, February 5, 2007:

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TITLE

NAME

Pages:

Michael Steinbeisser, Sidney  
Eric Wendt-Oakley, Billings  
Nicole Hardy, Livingston  
Yvette Waters, Belgrade  
Douglas Waite, Great Falls  
Kelsey Mulcahy, Missoula  
Hilary Gourneau, Poplar

Report Adopted.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1 p.m., Tuesday, February 6, 2007. Motion carried.

Senate adjourned at 2:34 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

**SENATE JOURNAL  
60TH LEGISLATURE  
TWENTY-SIXTH LEGISLATIVE DAY**

Helena, Montana  
February 6, 2007

Senate Chambers  
State Capitol

Senate convened at 1 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 46

Nays: Balyeat, Gebhardt, Jackson, Shockley.  
Total 4

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**REPORTS OF STANDING COMMITTEES**

**EDUCATION AND CULTURAL RESOURCES** (Ryan, Chairman): 2/6/2007  
**SJR 4**, be adopted. Report adopted.

**NATURAL RESOURCES AND ENERGY** (Lind, Chairman): 2/6/2007  
**SB 365**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** "PROVIDING THAT"

**Strike:** "A"

**Insert:** "AT THE"

**Following:** "DISTRICT"

**Strike:** "COURT MAY ISSUE"

**Insert:** "COURT'S DISCRETION"

**Following:** "A BILL"

**Insert:** "MAY BE ISSUED"

2. Page 2, line 11.

**Following:** "(3)"

**Strike:** "The"

**Insert:** "(a) At the"

**Following:** "district"

**Strike:** "court"

**Insert:** "court's discretion, a water commissioner"

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3. Page 2, line 12.

**Following:** "duties"

**Insert:** "by submitting the information necessary for the billing to the clerk of district court"

4. Page 2, line 14.

**Strike:** "(a)"

**Insert:** "(i)"

**Renumber:** subsequent subsections

5. Page 2.

**Following:** line 17

**Insert:** "(b) Upon receipt of the information from the water commissioner, the clerk of district court shall proceed as provided in 85-5-204."

6. Page 3, line 2.

**Following:** "district judge, the"

**Strike:** "clerk"

**Insert:** "water commissioner"

7. Page 3, line 3.

**Following:** "duties"

**Insert:** "by submitting the information necessary for the billing to the clerk of district court"

8. Page 3, line 7.

**Following:** "season, the"

**Strike:** "clerk"

**Insert:** "water commissioner"

9. Page 3, line 8.

**Following:** "season."

**Insert:** "The water commissioner shall submit a refund report, along with proof that any refunds were issued, to the clerk of district court for filing."

And, as amended, do pass. Report adopted.

**SB 370**, do pass. Report adopted.

**SJR 3**, be adopted. Report adopted.

**STATE ADMINISTRATION** (Squires, Chairman):

2/7/2007

**SB 272**, do pass. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

**House bill** passed and transmitted to the Senate for concurrence:

2/6/2007

**HB 44**, introduced by McChesney

**House bill** passed and transmitted to the Senate for concurrence:

2/6/2007

**HB 94**, introduced by Van Dyk

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<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/6/2007
<b>HB 136</b> , introduced by Milburn	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/6/2007
<b>HB 158</b> , introduced by L. Jones	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/6/2007
<b>HB 211</b> , introduced by Windy Boy	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/6/2007
<b>HB 274</b> , introduced by Mendenhall	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/6/2007
<b>HB 316</b> , introduced by Sinrud	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/6/2007
<b>HB 321</b> , introduced by McGillvray	

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 428**, introduced by Kaufmann, K. Peterson, referred to Public Health, Welfare and Safety.  
**SB 429**, introduced by Gallus, referred to Business, Labor, and Economic Affairs.  
**SB 430**, introduced by Elliott, referred to Taxation.  
**SB 431**, introduced by Lind, referred to Natural Resources and Energy.

The following House bills were introduced, read first time, and referred to committees:

**HB 44**, introduced by McChesney, referred to Taxation.  
**HB 94**, introduced by Van Dyk, referred to Natural Resources and Energy.  
**HB 136**, introduced by Milburn, referred to Judiciary.  
**HB 158**, introduced by L. Jones, referred to Business, Labor, and Economic Affairs.  
**HB 211**, introduced by Windy Boy, referred to Education and Cultural Resources.  
**HB 274**, introduced by Mendenhall, referred to Highways and Transportation.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Essmann in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading,

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recommend as follows:

**SB 121** - Senator Elliott moved consideration of **SB 121** be passed for the day. Motion carried.

**SB 233** - Senator Elliott moved **SB 233** do pass. Motion carried unanimously.

**SB 316** - Senator Elliott moved **SB 316** do pass. Motion carried unanimously.

**SB 244** - Senator Weinberg moved **SB 244** do pass. Motion carried as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gillan, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Ryan, Schmidt, Shockley, Squires, Steinbeisser, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 35

Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Gebhardt, Hansen, McGee, O'Neil, Peterson, Smith, Stapleton, Story, Tash.  
Total 15

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 315** - Senator Cobb moved **SB 315**, second reading copy, be amended as follows:

1. Page 2, line 18.

**Following:** "regions"

**Insert:** "or specific occupations"

Amendment adopted unanimously.

**SB 315** - Senator Cobb moved **SB 315**, as amended, do pass. Motion carried as follows:

Yeas: Bales, Black, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Pease, Peterson, Ryan, Smith, Squires, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 38

Nays: Balyeat, Barkus, Brown, Curtiss, Jackson, Murphy, O'Neil, Perry, Schmidt, Shockley, Stapleton, Steinbeisser.  
Total 12

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 108** - Senator Cocchiarella moved **SB 108** do pass. Motion carried unanimously.



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**SB 165** - Senator Brueggeman moved **SB 165** do pass. Motion carried as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 44

Nays: Balyeat, Esp, Gebhardt, Laible, McGee, O'Neil.  
Total 6

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 127** - Senator Wanzenried moved consideration of **SB 127** be passed for the day. Motion carried.

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Essmann moved the Committee of the Whole report be adopted. Report adopted unanimously.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 125** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 296** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

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Total 45

Nays: Curtiss, Esp, Gebhardt, McGee, Stapleton.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 328** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 153** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 271** passed as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Essmann, Gillan, Harrington, Hawks, Jent, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, McGee, Moss, Pease, Perry, Peterson, Schmidt, Smith, Squires, Tash, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 34

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Nays: Balyeat, Curtiss, Esp, Gallus, Gebhardt, Hansen, Jackson, Juneau, Laible, Murphy, O'Neil, Ryan, Shockley, Stapleton, Steinbeisser, Story.

Total 16

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 305** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 261** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 245** passed as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 46

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Nays: Balyeat, Esp, Ryan, Shockley.  
Total 4

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 33** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: Esp.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1 p.m., Wednesday, February 7, 2007. Motion carried.

Senate adjourned at 2:16 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

**SENATE JOURNAL  
60TH LEGISLATURE  
TWENTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana  
February 7, 2007

Senate Chambers  
State Capitol

Senate convened at 1 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 46

Nays: Balyeat, Jackson, O'Neil, Shockley.  
Total 4

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**REPORTS OF STANDING COMMITTEES**

**HIGHWAYS AND TRANSPORTATION** (Pease, Chairman): 2/7/2007  
**SB 384**, do pass. Report adopted.  
**SB 386**, do pass. Report adopted.  
**HJR 3**, be concurred in. Report adopted.

**PUBLIC HEALTH, WELFARE AND SAFETY** (Weinberg, Chairman): 2/7/2007  
**SB 140**, introduced bill, be amended as follows:

1. Title, page 1, line 13.

**Following:** "COVERAGE;"

**Insert:** "DEDICATING SPECIFIC APPROPRIATION FUNDS;"

2. Page 4, line 5.

**Following:** "(a)"

**Insert:** "(a)"

3. Page 4.

**Following:** line 10

**Insert:** "(b) The term includes small employers who obtain group health insurance coverage through a qualified association health plan."

4. Page 4.

**Following:** line 26

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**Insert:** "(10) "Qualified association health plan" means a plan established by an association whose members consist of employers who sponsor group health plans for their employees and purchase that coverage through an association that qualifies as a bona fide association, as defined in 33-22-1803, or non-bona fide, as provided for in administrative rule. A qualified association health plan is subject to applicable employer group health insurance law and must receive approval from the commissioner to operate as a qualified association health plan for the purposes of this part."

**Renumber:** subsequent subsections

5. Page 5, line 12.

**Following:** "assistance payments"

**Insert:** "unless that employer group no longer meets eligibility requirements"

6. Page 5, lines 21 and 22.

**Strike:** "adopt" on line 21 through "1" on line 22

7. Page 6, line 2.

**Following:** "operating plan"

**Insert:** ", implement a wellness benefit, and offer cafeteria plan assistance, as provided for in 26 U.S.C. 125,"

8. Page 6, line 3.

**Strike:** "90%"

**Insert:** "95%"

9. Page 6, line 16.

**Following:** "33-22-1811"

**Insert:** ", except to the extent that administrative rules allow sole proprietors to participate in the purchasing pool"

10. Page 7, line 2.

**Strike:** "90%"

**Insert:** "95%"

11. Page 7, line 2.

**Following:** "payments"

**Insert:** ", the wellness benefit, and the cafeteria plan expenses"

12. Page 7.

**Following:** line 3

**Insert:** "(g) request that funds be transferred from the funds appropriated for tax credits to the funds appropriated for premium incentive payments and premium assistance payments if the number of eligible small employers seeking tax credits is insufficient to exhaust at least 95% of the funds appropriated for tax credits;"

**Renumber:** subsequent subsections

13. Page 7, line 30.

**Following:** "~~plans~~,"

**Insert:** "the approval of qualified association health plans,"

14. Page 8, line 19.

**Strike:** "and"

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15. Page 8.

**Following:** line 23

**Insert:** "(11) approve or disapprove associations as qualified if their members consist of employers who sponsor group health plan coverage for their employees and purchase that coverage through an association that qualifies as a bona fide association, as defined in 33-22-1803, or non-bona fide, as provided for in administrative rule. A qualified association health plan is subject to applicable employer group health insurance law."

**Renumber:** subsequent subsections

16. Page 8, line 28.

**Following:** "(1)"

**Strike:** "An"

**Insert:** "Subject to subsection (2), an"

17. Page 9.

**Following:** line 13

**Insert:** "(2) An employer may not receive a premium incentive payment, a premium assistance payment, or a tax credit for the premium of any of the following individuals or the individual's dependents if the individual's gross income in the prior tax year exceeds \$75,000:

- (a) a sole proprietor of a sole proprietorship that is the employer;
- (b) a partner of a partnership that is the employer;
- (c) a shareholder of a corporation that is the employer;
- (d) a member or manager of a limited liability company that is the employer; or
- (e) the trustee of a trust that is the employer."

**Renumber:** subsequent subsections

18. Page 9, line 23.

**Strike:** "(4)"

**Insert:** "(5)"

19. Page 12, line 11.

**Strike:** first "or"

**Insert:** "instead of"

20. Page 12, line 15.

**Following:** "(2)"

**Insert:** "(a)"

21. Page 12, line 17.

**Following:** "credit."

**Insert:** "(b)(i)"

22. Page 12.

**Following:** "health plan." on line 21.

**Insert:** "(ii) Sixty percent of any additional funds up to \$1 million appropriated to this program from the special revenue account that is an increase over the prior biennium must be dedicated to provide and maintain premium incentive payments and premium assistance payments for employers who have not sponsored group health plans in the previous 2 years and who choose to join the purchasing pool as provided in 53-6-1201(3)(e).

(iii) Forty percent of any additional funds up to \$1 million appropriated to this program from the special

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revenue account that is an increase over the prior biennium must be dedicated to provide and maintain tax credits, as provided in 53-6-1201(3)(d), for employers who have not sponsored group health plans in the previous 2 years and who choose to join a qualified association health plan.

(c)"

23. Page 12.

**Following:** line 23

**Insert:** "(d) Funding may be transferred from the allocated fund for tax credits to the allocated fund for premium incentive payments and premium assistance payments if the board requests the transfer as provided in 33-22-2004 and the commissioner approves the request."

24. Page 13, line 18.

**Following:** "coverage"

**Insert:** "coverage"

25. Page 13, line 23.

**Following:** "(5)"

**Insert:** "(a)"

26. Page 13.

**Following:** line 24

**Insert:** "(b) Small employer participants in the purchasing pool who no longer meet eligibility requirements because of statutory changes must be allowed to remain in the purchasing pool, but premium incentive payments and premium assistance payments will be discontinued beginning in January following a loss of eligibility status triggered by reregistration in October.

(c) Small employer participants who currently receive a tax credit but no longer meet eligibility requirements because of statutory changes will lose eligibility to claim a tax credit beginning in January following a loss of eligibility status triggered by reregistration in October."

And, as amended, do pass. Report adopted.

**STATE ADMINISTRATION** (Squires, Chairman):

2/7/2007

**SB 64**, introduced bill, be amended as follows:

1. Page 2, line 22.

**Strike:** "Permanent"

**Insert:** "Except for persons employed by the university system, permanent"

And, as amended, do pass. Report adopted.

**SB 98**, introduced bill, be amended as follows:

1. Title, page 1, line 7.

**Following:** ";

**Insert:** "PROVIDING OPTIONS FOR APPOINTING LEGISLATORS TO A COMMITTEE, SUBCOMMITTEE, COUNCIL, COMMISSION, TASK FORCE, OR SIMILAR GROUP;"



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2. Page 1.

**Following:** line 24

**Insert:** "NEW SECTION. Section 2. Appointments. (1)(a) Whenever the senate president, speaker of the house, majority leader, or other officer of the senate or house of representatives or the senate committee on committees is required or authorized to appoint more than one legislative member of the majority party to a committee, subcommittee, council, commission, task force, or similar group, the senate president, speaker of the house, majority leader, or other officer or the senate committee on committees may appoint a member of a party other than the majority party instead of a member of the majority party.

(b) Whenever the senate president, speaker of the house, majority leader, or other officer of the senate or house of representatives or the senate committee on committees is required or authorized to appoint more than one legislative member of the minority party to a committee, subcommittee, council, commission, task force, or similar group, the senate president, speaker of the house, majority leader, or other officer or the senate committee on committees may, if requested by the minority leader, appoint a member of a party other than the minority or majority party instead of a member of the minority party.

(2)(a) Whenever an elected state official, as defined in 5-7-102, is required or authorized to appoint more than one legislative member of the majority party to a committee, subcommittee, council, commission, task force, or similar group, the elected state official may, if requested by the senate president for a senate appointee or if requested by the speaker of the house for a house appointee, appoint a member of a party other than the majority party instead of a member of the majority party.

(b) Whenever an elected state official, as defined in 5-7-102, is required or authorized to appoint more than one legislative member of the minority party to a committee, subcommittee, council, commission, task force, or similar group, the elected state official may, if requested by the senate minority leader for a senate appointee or if requested by the house minority leader for a house appointee, appoint a member of a party other than the minority or majority party instead of a member of the minority party.

(3) If a vacancy occurs in the membership of a committee, subcommittee, council, commission, task force, or similar group because of the resignation or disqualification of a member appointed under the provisions of subsection (1) or (2), the appointing authority authorized or required to make an appointment to fill the vacancy is subject to the provisions of subsections (1) and (2).

(4) If an individual appointed under subsection (1) or (2) to a committee, subcommittee, council, commission, task force, or similar group is not a member of either the majority party or minority party and resigns from or is otherwise disqualified from serving on the committee, subcommittee, council, commission, task force, or similar group, the appointing authority shall fill the vacancy under the provisions of subsection (1) or (2) as if the appointment were an initial appointment, and the appointing authority is not required to fill the vacancy with an individual who is a member of the same party of which the individual whose resignation or disqualification caused the vacancy."

**Renumber:** subsequent sections

3. Page 1, line 27.

**Strike:** "The"

**Insert:** "Subject to [section 2], the"

4. Page 7, line 4.

**Following:** "to"

**Insert:** "[section 2] and"

**Following:** "(5)(b)"

**Insert:** "of this section"

5. Page 7, line 28.

**Following:** "and"

**Insert:** ", subject to [section 2],"

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6. Page 8, line 1.

**Following:** "and"

**Insert:** ", subject to [section 2],"

7. Page 9, line 3.

**Following:** "committees"

**Insert:** ", subject to [section 2]"

8. Page 9, line 6.

**Following:** "speaker"

**Insert:** ", subject to [section 2]"

9. Page 9, line 15.

**Strike:** "Three"

**Insert:** "Subject to [section 2], three"

10. Page 10, line 4.

**Strike:** "Three"

**Insert:** "Subject to [section 2], three"

11. Page 13, line 24.

**Following:** "instruction."

**Insert:** "(1)"

12. Page 13.

**Following:** line 25

**Insert:** "(2) [Section 2] is intended to be codified as an integral part of Title 5, chapter 5, part 2, and the provisions of Title 5, chapter 5, part 2, apply to [section 2]."

And, as amended, do pass. Report adopted.

**SB 117**, do pass. Report adopted.

**SB 168**, do pass. Report adopted.

**SB 173**, do pass. Report adopted.

**SB 213**, introduced bill, be amended as follows:

1. Title, line 4 through line 6.

**Strike:** "BOARD" on line 4 through "PROGRAM" on line 6

**Insert:** "VALUATION OF THE TRUST LAND OFFERED FOR SALE THROUGH THE LAND BANKING PROGRAM MAY NOT REFLECT A REDUCTION IN VALUE DUE TO LACK OF LEGAL ACCESS"

2. Title, line 7.

**Following:** "DETERMINED BY A"

**Strike:** "LICENSED AND CERTIFIED"

**Insert:** "MONTANA-LICENSED AND MONTANA-CERTIFIED"

3. Title, line 8.

**Following:** "SECTIONS"

**Insert:** "77-2-213,"

**Following:** "77-2-363"

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**Insert:** ", "

4. Page 1, line 11.

**Insert:** "Section 1. Section 77-2-213, MCA, is amended to read:

**"77-2-213. Department to investigate.** (1) When a proposal for an exchange pursuant to 77-2-211 is made and the owners of the respective tracts involved seem agreeable to negotiate ~~such~~ exchanges, the proposal ~~shall~~ must be referred to the department and the department shall thoroughly investigate all the lands involved in the proposal, ~~and~~ estimate the value of all of the lands, and consider every factor in connection with the proposal ~~as~~ that may affect the public interest.

(2) The estimated fair market value must be determined by a Montana-licensed and Montana-certified appraiser. The valuation of the trust land offered for exchange may not reflect a reduction in value due to lack of legal access."

**Renumber:** subsequent sections

5. Page 1, line 18 through line 19.

**Strike:** "The board shall" on line 18 through "program." on line 19

6. Page 1, line 20.

**Strike:** "licensed and certified"

**Insert:** "Montana-licensed and Montana-certified"

7. Page 1, line 20.

**Following:** "appraiser."

**Insert:** "The valuation of the trust land offered for sale may not reflect a reduction in value due to lack of legal access."

8. Page 2, line 18 through line 19.

**Strike:** "The board shall" on line 18 through "program." on line 19

9. Page 2, line 20.

**Following:** "determined by a"

**Strike:** "licensed and certified"

**Insert:** "Montana-licensed and Montana-certified"

**Following:** "appraiser."

**Insert:** "The valuation of the trust land offered for sale may not reflect a reduction in value due to lack of legal access."

And, as amended, do pass. Report adopted.

**SB 269**, do pass. Report adopted.

**SB 290**, do pass. Report adopted.

**SB 308**, do pass. Report adopted.

**MOTIONS**

**SEN. DANIEL MCGEE, SD 29, LAUREL** re-referred **SB 215** to Judiciary Committee. Motion carried.

**FIRST READING AND COMMITMENT OF BILLS**

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The following Senate bills were introduced, read first time, and referred to committees:

**SB 432**, introduced by Brueggeman, referred to Natural Resources and Energy.

**SB 433**, introduced by Laslovich, referred to Judiciary.

**SB 434**, introduced by Cocchiarella, Arntzen, Hawks, Tash, Bales, Bergren, Schmidt, McGillvray, Perry, Lake, referred to Business, Labor, and Economic Affairs.

**SB 435**, introduced by Jackson, referred to Judiciary.

**SB 436**, introduced by Gebhardt, referred to Taxation.

**SB 437**, introduced by Elliott, referred to State Administration.

**SB 438**, introduced by Elliott, referred to Local Government.

The following Senate joint resolutions were introduced, read first time, and referred to committees:

**SJR 3**, introduced by Squires, referred to State Administration.

**SJR 4**, introduced by Squires, referred to State Administration.

**SJR 5**, introduced by Squires, referred to State Administration.

The following House bills were introduced, read first time, and referred to committees:

**HB 90**, introduced by MacLaren, referred to Finance and Claims.

**HB 139**, introduced by Branae, referred to Finance and Claims.

**HB 167**, introduced by Hands, referred to Natural Resources and Energy.

**HB 369**, introduced by Pomnichowski, referred to Local Government.

**HB 409**, introduced by Sinrud, referred to Business, Labor, and Economic Affairs.

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 6**, introduced by Phillips, referred to Agriculture, Livestock and Irrigation.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Jent in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 322** - Senator Brueggeman moved **SB 322** do pass. Motion carried unanimously.

**SB 324** - Senator Jackson moved **SB 324** do pass. Motion carried unanimously.

**SB 370** - Senator Tash moved **SB 370** do pass. Motion carried unanimously.

**SJR 3** - Senator Weinberg moved **SJR 3** be adopted. Motion carried with Senator McGee, Esp voting nay.

**SB 272** - Senator O'Neil moved **SB 272** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gallus,

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Gebhardt, Hansen, Hawks, Jackson, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, Weinberg, Williams.  
Total 38

Nays: Brown, Elliott, Gillan, Juneau, Lind, McGee, Moss, Smith, M.Tropila, Wanzenried, Mr. President.  
Total 11

Absent or not voting: Harrington.  
Total 1

Excused: None.  
Total 0

**SB 121** - Senator Elliott moved **SB 121** be passed for consideration for the day. Motion carried unanimously,

**SJR 4** - Senator Curtiss moved **SJR 4** be adopted. Motion carried unanimously.

**SB 127** - Senator Wanzenried moved **SB 127** do pass. Motion carried with Senator McGee voting nay.

**SB 266** - Senator Shockley moved **SB 266** do pass. Motion carried with Senator Smith, Moss, Juneau voting nay.

**SB 278** - Senator Gillan moved **SB 278** do pass. Motion carried as follows:

Yeas: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Shockley, Smith, Squires, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 28

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Stapleton, Steinbeisser, Tash.  
Total 22

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Jent moved the Committee of the Whole report be adopted. Report adopted unanimously.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 233** passed as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus,

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Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 48

Nays: Balyeat, Shockley.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 316** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: Esp.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 244** passed as follows:

Yeas: Cobb, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gillan, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Ryan, Schmidt, Shockley, Smith, Squires, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 35

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Gebhardt, Hansen, McGee, O'Neil, Peterson, Stapleton, Steinbeisser, Story.  
Total 15

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 315** passed as follows:

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Yeas: Bales, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Pease, Peterson, Ryan, Smith, Squires, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 38

Nays: Balyeat, Barkus, Curtiss, Gillan, Jackson, Murphy, O'Neil, Perry, Schmidt, Shockley, Stapleton, Steinbeisser.

Total 12

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 108** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 165** passed as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 44

Nays: Balyeat, Esp, Gebhardt, Laible, McGee, O'Neil.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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**MOTIONS**

**SEN. TRUDI SCHMIDT, SD 11, GREAT FALLS** re-referred **SB 127** to Finance and Claims. Motion carried.

**UNFINISHED BUSINESS**

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** reminded the body of transmittal break dates noting concern for time lines dealing with **HB 2**. Senator Williams asked **SEN. COREY STAPLETON, SD 27, BILLINGS** if he knew the status of **HB 2**. Senator Stapleton commented that conversations were taking place, however, he didn't know what would happen with the bill. Senator Williams stressed the importance of efficiency in dealing with the budget.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1 p.m., Thursday, February 8, 2007. Motion carried.

Senate adjourned at 3:01 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate



**SENATE JOURNAL  
60TH LEGISLATURE  
TWENTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana  
February 8, 2007

Senate Chambers  
State Capitol

Senate convened at 1 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 44

Nays: Balyeat, Gebhardt, Jackson, O'Neil, Shockley.  
Total 5

Absent or not voting: None.  
Total 0

Excused: Jent.  
Total 1

**MOTIONS**

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** moved that the name of **SEN. DAN WEINBERG, SD 2, WHITEFISH** be added as a sponsor on **SB 96**. Motion carried.

**REPORTS OF STANDING COMMITTEES**

**AGRICULTURE, LIVESTOCK AND IRRIGATION** (Hansen, Chairman):  
**SB 269**, introduced bill, be amended as follows:

2/8/2007

1. Title, line 10.

**Following:** "DISTRICT;"

**Insert:** "PROVIDING A TRANSFER OF FUNDS;"

2. Title, line 11.

**Following:** "MCA;"

**Strike:** "AND"

3. Title, line 12.

**Following:** "MCA"

**Insert:** "; AND PROVIDING EFFECTIVE DATES"

4. Page 4, line 10.

**Insert:** "NEW SECTION. Section 6. Transfer of funds. There is transferred \$5 million from the general

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fund to the noxious weed management trust fund established in 80-7-811. The transfer is a one-time transfer of funds."

**Insert:** "NEW SECTION. Section 7. Effective dates. (1) Except as provided in subsection (2), [this act] is effective October 1, 2007.

(2) [Section 6 and this section] are effective July 1, 2007."

And, as amended, do pass. Report adopted.

**SB 406**, do pass. Report adopted.

**EDUCATION AND CULTURAL RESOURCES** (Ryan, Chairman):

2/8/2007

**SB 335**, do pass. Report adopted.

**JUDICIARY** (Laslovich, Chairman):

2/8/2007

**SB 379**, do pass. Report adopted.

**NATURAL RESOURCES AND ENERGY** (Lind, Chairman):

2/8/2007

**SB 189**, do pass. Report adopted.

**SB 241**, do pass. Report adopted.

**TAXATION** (Elliott, Chairman):

2/8/2007

**SB 231**, introduced bill, be amended as follows:

1. Page 1, line 25.

**Strike:** "16"

**Insert:** "18"

2. Page 1, line 26.

**Strike:** "two"

**Insert:** "four"

**Strike:** "one"

**Insert:** "no more than two"

3. Page 1, line 28.

**Strike:** "two"

**Insert:** "four"

**Strike:** "one"

**Insert:** "no more than two"

4. Page 2, line 3.

**Strike:** "two representatives"

**Insert:** "one representative"

**Strike:** "one of whom"

**Insert:** "who"

5. Page 2, line 7.

**Strike:** "counties"

**Insert:** "local government"

6. Page 2, line 8.

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**Strike:** "cities and towns"

**Insert:** "the tourism industry"

7. Page 2, line 10.

**Strike:** "two representatives"

**Insert:** "one representative"

8. Page 2.

**Following:** line 19

**Insert:** "(a) review previous reports of tax studies conducted in prior interims;"

**Renumber:** subsequent subsections

9. Page 2.

**Following:** line 25

**Insert:** "(i) the current Montana tax structure versus the Montana economic structure;"

10. Page 3, line 1.

**Strike:** "(6)(b)"

**Insert:** "(6)(c)"

11. Page 3, line 3 through line 4.

**Strike:** "that" on line 3 through "necessary," on line 4

**Following:** "and"

**Insert:** "prepare"

**Strike:** "any"

And, as amended, do pass. Report adopted.

**SB 332**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** "BY A"

**Insert:** "STATE-RECOGNIZED OR"

**Following:** "STATE;"

**Insert:** "PROVIDING THAT THE EXEMPTION APPLIES ONLY TO PROPERTY WITHIN THE EXTERIOR BOUNDARIES OF A RESERVATION OR FOR A STATE-RECOGNIZED INDIAN TRIBE OF A COUNTY; PROVIDING THAT EXISTING TAX LIENS ARE NOT EXTINGUISHED;"

**Strike:** "AND"

2. Title, line 6.

**Following:** "MCA"

**Insert:** "; AND PROVIDING A DELAYED EFFECTIVE DATE"

3. Page 1, line 18.

**Following:** "state,"

**Insert:** "state-recognized and"

4. Page 3, line 12.

**Following:** "(2)"

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**Insert:** "(a) For the purposes of subsection (1)(a)(ii), the property exemption applies only to property located within the exterior boundaries of the reservation in which a federally recognized Indian tribe is located and within the county in which a plurality of the tribal members of a tribe recognized by the state reside."

**Renumber:** subsequent subsections

5. Page 5.

**Following:** line 3

**Insert:** "NEW SECTION. **Section 3. Existing tax liens not extinguished.** [This act] does not extinguish any tax liens on property that were in effect on December 31, 2007."

**Insert:** "NEW SECTION. **Section 4. Effective date.** [This act] is effective January 1, 2008."

And, as amended, do pass. Report adopted.

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 440**, introduced by J. Tropila, referred to Business, Labor, and Economic Affairs.

**SB 441**, introduced by Kaufmann, referred to Highways and Transportation.

**SB 442**, introduced by Kaufmann, referred to Natural Resources and Energy.

**SB 443**, introduced by Squires, referred to State Administration.

**SB 444**, introduced by Wanzenried, Henry, referred to Public Health, Welfare and Safety.

**SB 445**, introduced by M. Tropila, Cobb, Olson, Koopman, referred to Natural Resources and Energy.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator J. Peterson in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HJR 3** - Senator Hansen moved **HJR 3** be concurred in. Motion carried with Senator Esp voting nay.

**SB 372** - Senator Balyeat moved **SB 372** do pass. Motion carried with Senator Juneau, Harrington voting nay.

**SB 386** - Senator Shockley moved consideration of **SB 386** be passed for the day. Motion carried.

**SB 211** - Senator Larson moved consideration of **SB 211** be passed for the day. Motion carried.

**SB 365** - Senator Story moved **SB 365** do pass. Motion carried unanimously.

**SB 132** - Senator Gallus moved **SB 132** do pass. Motion **failed** as follows:

Yeas: Balyeat, Brueggeman, Cobb, Cocchiarella, Essmann, Gallus, Gillan, Harrington, Jackson, Jent, Kaufmann, Larson, Laslovich, Moss, Murphy, O'Neil, Schmidt, Shockley, Smith, J.Tropila, M.Tropila, Weinberg, Williams, Mr. President.

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Total 24

Nays: Bales, Barkus, Black, Brown, Curtiss, Elliott, Esp, Gebhardt, Hansen, Hawks, Juneau, Kitzenberg, Laible, Lewis, Lind, McGee, Pease, Perry, Peterson, Ryan, Squires, Stapleton, Steinbeisser, Story, Tash, Wanzenried.

Total 26

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 132** - Senator Gallus moved **SB 132** be **indefinitely postponed**. Motion **failed** as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Laible, Larson, Lewis, McGee, Pease, Perry, Peterson, Ryan, Stapleton, Steinbeisser, Story, Tash.

Total 21

Nays: Balyeat, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laslovich, Lind, Moss, Murphy, O'Neil, Schmidt, Shockley, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 29

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 117** - Senator Cobb moved **SB 117** do pass. Motion carried with Senator Smith, Cooney, Gillan voting nay.

**SB 173** - Senator Juneau moved **SB 173** do pass. Motion carried as follows:

Yeas: Black, Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 35

Nays: Bales, Balyeat, Barkus, Brown, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, McGee, Perry, Steinbeisser, Story, Tash.

Total 15

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 99** - Senator Harrington moved consideration of **SB 99** be placed at the bottom of the second reading board for

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the purpose of amendment. Motion carried.

**SB 290** - Senator Laible moved **SB 290** do pass. Motion **failed** as follows:

Yeas: Cocchiarella, Hansen, Harrington, Hawks, Juneau, Kaufmann, Laible, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 20

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Jackson, Jent, Kitzenberg, Larson, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash, M.Tropila.  
Total 30

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 290** - Senator Esp moved **SB 290** be **indefinitely postponed**. Motion **carried** as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Elliott, Esp, Essmann, Gebhardt, Jackson, Jent, Kitzenberg, Larson, Lewis, Lind, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash, M.Tropila.  
Total 27

Nays: Balyeat, Cocchiarella, Curtiss, Gallus, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Laible, Laslovich, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 23

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman J. Peterson moved the Committee of the Whole report be adopted. Report adopted unanimously.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 322** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley,

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Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams,  
Mr. President.

Total 49

Nays: Gebhardt.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 324** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann,  
Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible,  
Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt,  
Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg,  
Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 370** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann,  
Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible,  
Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt,  
Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg,  
Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SJR 3** adopted as follows:

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Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 45

Nays: Balyeat, Esp, McGee, Stapleton, Steinbeisser.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 272** passed as follows:

Yeas: Bales, Balyeat, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Kitzenberg, Laible, Larson, Laslovich, Lewis, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, Weinberg.

Total 36

Nays: Barkus, Brown, Elliott, Gillan, Juneau, Kaufmann, Lind, McGee, Moss, Smith, M.Tropila, Wanzenried, Williams, Mr. President.

Total 14

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SJR 4** adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: Esp.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0



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**SB 266** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 47

Nays: Juneau, Moss, Smith.  
Total 3

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 278** passed as follows:

Yeas: Brueggeman, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Shockley, Smith, Squires, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 30

Nays: Bales, Balyeat, Barkus, Black, Brown, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Stapleton, Steinbeisser.  
Total 20

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 127** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 46

Nays: Curtiss, Esp, McGee, Stapleton.  
Total 4

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

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**MOTIONS**

**SEN. DANIEL MCGEE, SD 29, LAUREL** moved action during third reading today on **SB 127** was improper (should not have been on third reading) and be reconsidered. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 48

Nays: Cobb, Gallus.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 127** referred back to Senate Finance and Claims Committee.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1 p.m., Friday, February 9, 2007. Motion carried.

Senate adjourned at 3:28 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

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TWENTY-NINTH LEGISLATIVE DAY**

Helena, Montana  
February 9, 2007

Senate Chambers  
State Capitol

Senate convened at 1 p.m. President Cooney presiding. Invocation by Rev. George Harper, United Methodist Church. Pledge of Allegiance to the Flag.

Roll Call. Senator Gillan excused. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 44

Nays: Balyeat, Esp, Jackson, O'Neil, Shockley.  
Total 5

Absent or not voting: None.  
Total 0

Excused: Gillan.  
Total 1

**MOTIONS**

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** moved the Senate recess and jointly convene with the House for the State of the Education address.

2007 State of Education Address  
State Superintendent Linda McCulloch

Good afternoon. I'm so very pleased to be here with you today.

Thank you, President Cooney, Speaker Sales, Senator Williams, Senator Stapleton, and Representative Parker for bringing us together to focus on Montana's children and their future. Thank you, Rev. Harper for your good words.

I'd also like to recognize my colleagues and friends in the Executive and Judicial branches of Montana Government, Clerk of the Supreme Court, the Public Service Commissioner, the Board of Public Education and the First Lady of Montana, Nancy Schweitzer.

And a very special thank you to my husband Bill for being here with me and supporting my dedication to Montana's kids.

I would like to take a moment to thank some folks who you don't see everyday in our schools, but who spend every single day working to make our schools even better. They are my co-workers, my friends at the Office of Public Instruction. These are the folks who don't receive the first grade hugs, but really deserve them. Please help me say thanks to my deputy, Bud Williams and all the good hard-working folks at the Office of Public Instruction.

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I begin my State of Education Address with sincere words of thanks for the thousands of committed teachers, administrators, school staff and trustees. You work tirelessly, helping Montana's children learn and prepare for their futures. Simply put, you change lives.

Would all educators, school staff or trustees in the audience, both on the floor and in the gallery, please stand so we may recognize you? From all of us here, and from all Montanans, thank you!

I'd like to specifically thank the students who are watching this address live, using video streaming technology or local access television. One of those schools is Havre High School. Please join me in greeting Mr. John Ita's U.S. Government Class and Mr. Jim Magera's Local History and American Indian Culture classes.

This is the fourth time I have come to share with you my thoughts on the State of Education in Montana. It will also be my last address to this joint body as State Superintendent.

How time flies. You can't help but be a little reflective on where we've come from as Montanans and about our hopes for the future.

I thought it would be interesting to see how the Superintendent of Public Instruction saw the State of Education a hundred years ago. In 1906 the State of Education came in the form of a 500 page report. What I found was quite startling and more than a little disturbing. The Superintendent of Public Instruction in 1906 was a man. I had always been lead to believe that one of the more sensible Montana traditions has always been electing women as State Superintendent. Of course in 1906 women did not, yet, have the right to vote.

Then State Superintendent W.E. Harmon reported, "There are in Montana many good schools where good salaries are paid to well prepared, competent teachers. The school houses are well built and well equipped for the best work. The school grounds are sightly and the school is the pride of the community."

Superintendent Harmon understood that public education demands that we can't stand still. He knew that a growing Montana needed a public school system that could prepare our students for the demands of a constantly changing economy.

Superintendent Harmon saw the connection between the quality of the education we could provide our children depended on the quality of the teacher in the classroom. He noted that "better trained, more experienced and more highly educated teachers" were in high demand. He argued, that in order to keep the best teachers, salaries need to be competitive. Sound familiar?

Within Superintendent Harmon's report was an observation that gets to why public education has been so successful in Montana. He put it quite eloquently in just two sentences. "Montana has the right sentiment. It seeks to give every child an opportunity to obtain an education. Montana has the right sentiment. It seeks to give every child an opportunity to obtain an education." That is the passion that has driven public education for the past one hundred years in Montana.

It fundamentally recognizes that when we maximize our investment in every child who enters the school house door it will come back to us many times more and in ways we cannot even imagine.

It is why Montana students consistently perform among the top students in the country. Last May, the National Assessment of Educational Progress released the results of the 2006 national science tests. These "NAEP Tests" are known as the national "gold standard" for academic achievement.

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Both Montana 4<sup>th</sup> and 8<sup>th</sup> grade students scored within just 1 point of the top state science scores in the country.

Our 8<sup>th</sup> grade science scores were just one point behind top ranked North Dakota, ranking Montana second in the nation. Our 4<sup>th</sup> grade students were one point behind top ranking New Hampshire.

Our Montana schools do a significantly better job in closing the academic "achievement gap" for our low income students. Nationally there is a 27 point "achievement gap" for science scores between 4<sup>th</sup> grade high and low income students. In Montana this achievement gap is only 16 points. The same pattern holds true for 8<sup>th</sup> grade Montana low income students.

These results didn't happen in a vacuum. Montana students do well in science because of the quality of science education provided by Montana's teachers. At both the state and national level, officials across the country are calling for a renewed emphasis on science and math teaching.

I applaud both Governor Schweitzer and First Lady Nancy Schweitzer for their special efforts to make science both fun and interesting for Montana kids. Thank you, Nancy, and please thank the Governor for me.

The First Family knows in order for Montana schools to remain leaders in science education, and for Montana to have a workforce ready to fill the jobs of tomorrow, we can't afford to stand still. We must constantly strive to improve student learning. I am confident that with sufficient resources, Montana students and teachers are up to the challenge.

In my first State of Education speech in 2001, I said Montana was at a "fork in the road." I noted our children have boundless potential and through the dedication of parents, teachers, community members and school trustees our schools are among the best in the nation.

But the quality of our public schools was being severely tested. The combination of stagnant state funding, declining student enrollments, and steadily rising costs were pushing schools to the breaking point.

School boards were struggling just to keep "above water." Tight budgets were forcing painful choices to be made daily, at the same time the demands on our schools were steadily increasing. Schools were asked to do a great deal more, but with fewer resources.

There were no "time outs" for schools. Everyday, kids still came to school expecting the best we could offer.

At the 2003 Legislature schools were still at that "fork in the road" and the state budget situation was grim. If that wasn't enough, it was also the first year that President Bush's No Child Left Behind Act went into effect. Schools were faced with a whole new labyrinth of federal regulations without the needed federal dollars to meet those new demands and expectations.

When the 2005 Legislature convened it was clear a choice had to be made. I am proud to say that the Legislature had the courage to choose the challenging but rewarding road toward a better future for our children.

At no other time in Montana history has the Legislature devoted so much time and energy on the fundamental issues and questions surrounding public education.

In the end, the Legislature, for the first time, produced a definition for providing a quality education for our children. It's a definition reflecting our best aspirations for our children and is deeply rooted in Montana "common sense."

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Montanans, through their elected Legislature, decided:

A quality education must include high academic standards set forth by the Board of Public Education.  
A quality education must provide assessments to make sure our children are succeeding.  
It must address the needs of Montana's low-income children, at-risk youth, and special needs students -- both challenged and gifted.  
It must reflect the needs of our American Indian students.  
It must allow us to recruit and retain high-quality teachers.  
It must allow us to provide kids with textbooks, library materials, and the technology they need to be competitive in the global economy.  
It must provide safe school buildings and buses.  
It must implement Indian Education for All, as defined by the Montana State Constitution.  
And finally, it must be a quality education that will continue to adapt as times change.

And, with this new definition, came the down-payment: a substantial increase in state funding to make this dream a reality.

In December 2005, the Legislature met in special session for the sole purpose of addressing school funding. Once again, I am proud to say the Legislature resisted the temptation to go backwards and instead continued to strike out on the road to a better public education for Montana's kids.

Four brand-new components were added to the school funding system. Two of the new components established Montana's commitment to improve the academic performance of students-at-risk and American Indian students.

A third component provides for ongoing funding for schools to implement Indian Education for All, so all Montana students can gain a better appreciation and understanding of the contributions of American Indian cultures, history, and contemporary issues.

And the fourth component recognizes the need to recruit and retain quality educators with a quality educator payment.

And again, along with these changes in the school funding system, came substantial funding increases to begin to address these critical needs.

And so here we are today, 29 days into the 2007 Legislative Session and a good deal further down our road together. We've come a long way, but education, by its very nature, is a continuing journey. A journey that demands we meet our responsibility to educate the next generation so that they and we can have a better life.

It is essential for 145,416 students that we continue to travel down our "road to a quality education." Ninety-three percent 93% of our students attend Montana's public schools. Montana parents rely on our public schools to educate their children -- to make sure their children do better than they did, achieve more than they achieved, and learn more than they have. We must keep moving forward down this road. To go backwards would be devastating.

A child only passes through third grade once or tenth grade once, they depend on us to make sure we provide them with a quality education that year and every year they attend our schools. Even as far back as 1906 the value of public education was not in question.

You and I know there is still work to be done...important work. Let's take a look at some of that work.

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Full-Time Kindergarten

You've had access to a lot of information already on Full-Time Kindergarten. Simply put, the single best way we can improve student achievement in school is Full-Time Kindergarten. I'll continue to twist your arms one-by-one or one committee at a time.

Already the Senate has acted. My deep appreciation goes out to the Senate Democrats and the majority of the Senate Republicans who have now cast votes in support of Full-Time Kindergarten. Montana kids now await the action of the House. I know you won't let them down. Please join me in thanking Senator Williams and Representative Grinde for their leadership.

Quality Educators

My thanks to Representative Branae for sponsoring HB 152 which addresses the need to recruit and retain quality educators by increasing the Quality Educator Component. In addition, HB 152 utilizes the inflation adjustment for all school funding components, allowing school districts some mechanism to ensure that inflation is taken into account when planning budgets for the next school year. Please help me say thanks to Representative Branae.

Indian Education for All

The 2005 Legislature, for the first time, put substantial resources into meeting our Constitutional responsibility to recognize "the distinct and unique cultural heritage of American Indians and is committed in our educational goals to the preservation of their cultural integrity."

We are well on our way to helping all Montana schools meet this responsibility. The Office of Public Instruction is making incredible progress in developing curriculum materials and providing educators the necessary training to integrate Indian Education for All into their classrooms.

The Montana Legislature is leading the nation in this effort. Montana is recognized by all states that serve American Indian students as breaking ground in Indian Education for All. The Governor of South Dakota, a Republican, has proposed Indian Education for All Legislation in their current Session for their students. Their State Superintendent is citing Montana as their example.

We cannot end our efforts just as they are beginning. Our kids – all of our kids – deserve better.

Meth Education

Through a partnership with Attorney General Mike McGrath and the Office of Public Instruction we have developed a Meth Prevention toolkit for schools. I applaud the Attorney General for his leadership in combating this devastating drug that has found its way into all of our Montana communities. Mike – you have my admiration and my thanks!

Teen Suicide Prevention

Teen suicide is a deep and dark wound on our Montana communities. Montana has one of the highest teen suicide rates in the country. More than 10% of our Montana High School Students have attempted suicide. In a classroom of 20 students, that's 2 of your students who have attempted suicide. Representative Bill Jones has begun to address the need to focus some help for our schools in this area. Thank you, Representative Jones for your leadership and courage to tackle this very serious issue – I applaud you!

To close my last State of Education Address, I'd like to leave you with a memory of my elementary school days. It will explain to you why I have given you an apple for each of my four Education Addresses. First, you must promise me you will not touch the apple until I have left the House Chamber.

When I was in elementary school and our teachers had a birthday or won a special award, we really didn't have

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the money to buy them a present. So we would throw them a "fruit roll." We'd pick a fruit roll captain and we'd all bring a round fruit to school – bananas and pears didn't work and oranges were hard to get, but apples were plentiful. We would hide the apples in our desks when we got to school.

At some time during the day when the teacher was writing on the chalkboard and had his/her back to us, the fruit roll captain would yell "fruit roll" and we would all roll our apples down the aisles toward the teacher. Since the floors in our school were all wooden everyone in the school would hear the apples rolling and would know that some teacher got a fruit roll. All the teachers would run to our classroom and help the teacher pick up the fruit to take home to share with their family. It's one of my fondest memories of elementary school. Over the years I've come to realize how unique this was as I've not heard of many people talk about having fruit rolls in their elementary schools.

Several years into my teaching career I shared this story with a few of my students one fall day when the lunchroom served apples. Several months went by and in May during Teachers' Appreciation week I had fourth graders in my library. I turned around to pick up materials for what was to be a really brilliant lesson on the Dewey Decimal System, and I heard one of the students yell "fruit roll!" Rolling up the aisle came 20 apples. I'm not sure I ever got around to teaching that brilliant lesson on the Dewey Decimal System that day.

That evening I called up my third grade teacher, Mrs. Bradds, who I hadn't seen since I was a kid. She answered the phone and I said, "Mrs. Bradds, it's Linda Harman." That was my maiden name, same name you'll remember as the Montana State Superintendent in 1906. She answered, "Why hello, Linda." Just like I'd seen her yesterday. I told her I was now a teacher. She sounded pleased and I thought hid her shock very well. I then said, "Mrs. Bradds, my students threw me a fruit roll today." Without missing a beat, she said, "Well, of course they did, Linda."

Like it happens every day!

So you see, for me an apple is not just the symbol for teachers. An apple reminds me of our students and the promise a quality education holds for their future. For me an apple is the symbol of public education and all that it has given me during my life.

Each of my 145,416 students must have a quality education to guide them through the rest of their lives. My students are depending on you to keep moving education down the path that will guarantee a quality education for them. Montana cannot build a first-class economy with a second-class school system. Continuing down the road to a quality education is not just about my kids, it's about all of us --- it's about the future of Montana.

Thank you for your time today!

The Senate reconvened at 1:56 p.m.

Roll Call.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 45

Nays: Balyeat, Esp, Jackson, Shockley.



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Total 4

Absent or not voting: None.

Total 0

Excused: Laible.

Total 1

**REPORTS OF STANDING COMMITTEES**

**HIGHWAYS AND TRANSPORTATION** (Pease, Chairman):

2/8/2007

**SB 222**, do pass. Report adopted.

**SB 302**, do pass. Report adopted.

**SB 414**, do pass. Report adopted.

**HB 23**, be concurred in. Report adopted.

**JUDICIARY** (Laslovich, Chairman):

2/8/2007

**SB 323**, introduced bill, be amended as follows:

1. Title, line 6.

**Following:** "ISSUANCE;"

**Insert:** "REQUIRING A PRIOR CERTIFICATE HOLDER TO REPORT CERTAIN INFORMATION TO THE DEPARTMENT OF JUSTICE FOR 2 YEARS FOLLOWING THE TERMINATION OF A CERTIFICATE OF PUBLIC ADVANTAGE;"

2. Page 2, line 8.

**Following:** "issuance."

**Insert:** "For 2 years immediately following the termination of a certificate of public advantage, the prior certificate holder shall, on an annual basis, report to the department information regarding:

- (a) quality of health care;
- (b) access to health care;
- (c) patient safety;
- (d) patient satisfaction;
- (e) health care service changes, additions, and deletions; and
- (f) cost comparisons based on similarly situated health care facilities."

And, as amended, do pass. Report adopted.

**SB 350**, introduced bill, be amended as follows:

1. Page 1, line 10 through line 11.

**Following:** "if" on line 10

**Strike:** remainder of line 10 through "offense," on line 11

2. Page 1, line 12.

**Following:** "device"

**Strike:** "that is capable of contacting law enforcement or medical assistance"

**Insert:** "to obstruct, prevent, or interfere with:

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(a) the report to any law enforcement agency of any actual criminal offense;  
(b) the report to any law enforcement agency of any actual bodily injury or property damage; or  
(c) a request made to any governmental agency or to any hospital, doctor, or other medical provider for necessary ambulance or emergency medical assistance"

3. Page 1, line 15.

**Following:** "(3)"

**Strike:** "(a)"

4. Page 1, line 16.

**Following:** "device"

**Strike:** "before, during, or after the commission of a misdemeanor"

5. Page 1, line 18 through line 20.

**Strike:** subsection (b) in its entirety

And, as amended, do pass. Report adopted.

**TAXATION** (Elliott, Chairman):

2/13/2007

**SB 242**, introduced bill, be amended as follows:

1. Title, line 7.

**Following:** "DATE"

**Insert:** "AND AN APPLICABILITY DATE"

2. Page 1, line 12.

**Following:** "(1)"

**Insert:** "(a)"

**Strike:** "With"

**Insert:** "Subject to subsection (1)(b), with"

3. Page 3, line 15.

**Strike:** "(a)"

**Insert:** "(i)"

**Renumber:** subsequent subsections

4. Page 1.

**Following:** line 21

**Insert:** "(b) Nothing in this subsection (1) may be construed to allow the department to disclose any information obtained from the internal revenue service of the department of the treasury of the United States or from another state."

5. Page 3.

**Following:** line 5

**Insert:** "(7) For the purposes of this section, "publicly held corporation" means a reporting corporation subject to the federal Securities Exchange Act of 1934, 15 U.S.C. 78a, et seq., whose shares are publicly traded on a national exchange, such as the New York stock exchange, NASDAQ, or the American stock exchange, and that has a market capitalization of \$2 billion or more."

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6. Page 3, line 8.

**Insert:** "NEW SECTION. **Section 3. Applicability.** [This act] applies to returns filed on or after January 1, 2008."

And, as amended, do pass. Report adopted.

**SB 470**, do pass. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

**House bill** passed and transmitted to the Senate for concurrence: 2/8/2007

**HB 264**, introduced by Heinert

**House bill** passed and transmitted to the Senate for concurrence: 2/8/2007

**HB 290**, introduced by Bergren

**House bill** passed and transmitted to the Senate for concurrence: 2/8/2007

**HB 292**, introduced by Stahl

**House bill** passed and transmitted to the Senate for concurrence: 2/8/2007

**HB 357**, introduced by Cohenour

**House bill** passed and transmitted to the Senate for concurrence: 2/8/2007

**HB 361**, introduced by Kottel

**House bill** passed and transmitted to the Senate for concurrence: 2/8/2007

**HB 363**, introduced by Ward

**House bill** passed and transmitted to the Senate for concurrence: 2/8/2007

**HB 485**, introduced by Kottel

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 446**, introduced by Perry, referred to Natural Resources and Energy.

**SB 447**, introduced by Perry, referred to Judiciary.

**SB 448**, introduced by Wanzenried, referred to Natural Resources and Energy.

**SB 449**, introduced by Gillan, referred to Highways and Transportation.

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The following House bills were introduced, read first time, and referred to committees:

**HB 264**, introduced by Heinert, referred to Fish and Game.  
**HB 290**, introduced by Bergren, referred to Local Government.  
**HB 292**, introduced by Stahl, referred to State Administration.  
**HB 357**, introduced by Cohenour, referred to State Administration.  
**HB 361**, introduced by Kottel, referred to Judiciary.  
**HB 363**, introduced by Ward, referred to Education and Cultural Resources.  
**HB 485**, introduced by Kottel, referred to Business, Labor, and Economic Affairs.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Gillan in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 99** - Senator Harrington moved **SB 99** do pass. Motion **carried** as follows:

Yeas: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 26

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Larson, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 24

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 78** - Senator Cobb moved **SB 78**, second reading copy, be amended as follows:

1. Page 2, line 26.  
**Following:** "condition"  
**Insert:** "the"  
**Following:** "access"  
**Insert:** ", as described in subsection (1),"

Amendment adopted unanimously.

**SB 78** - Senator Larson moved **SB 78**, as amended, do pass. Motion carried as follows:

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Yeas: Balyeat, Brown, Brueggeman, Cocchiarella, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Larson, Laslovich, Lind, Moss, O'Neil, Pease, Ryan, Schmidt, Shockley, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 31

Nays: Bales, Barkus, Black, Cobb, Curtiss, Esp, Gebhardt, Jackson, Kitzenberg, Laible, Lewis, McGee, Murphy, Perry, Peterson, Stapleton, Steinbeisser, Story, Tash.  
Total 19

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Gillan moved the Committee of the Whole report be adopted. Report adopted unanimously.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HJR 3** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 45

Nays: Black, Esp, Jent, McGee.  
Total 4

Absent or not voting: None.  
Total 0

Excused: Cobb.  
Total 1

**SB 117** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams.  
Total 45

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Nays: Kaufmann, O'Neil, Smith, Mr. President.  
Total 4

Absent or not voting: None.  
Total 0

Excused: Cobb.  
Total 1

**SB 173** passed as follows:

Yeas: Brueggeman, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 31

Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, McGee, O'Neil, Perry, Peterson, Steinbeisser, Story, Tash.  
Total 18

Absent or not voting: None.  
Total 0

Excused: Cobb.  
Total 1

**SB 365** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Cobb.  
Total 1

**SB 372** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Squires, Stapleton,

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Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Mr. President.  
Total 43

Nays: Juneau, Kaufmann, Moss, Smith, Weinberg, Williams.  
Total 6

Absent or not voting: None.  
Total 0

Excused: Cobb.  
Total 1

**MOTIONS**

**SEN. VICKI COCCHIARELLA, SD 47, HELENA** moved **SB 44** be referred to Business, Labor Committee.  
Motion carried.

**SEN. CAROL JUNEAU, SD 8, BROWNING** moved **SB 390** have the following sponsors added to it:  
Williams, Pease, Smith, Wanzenried, Kaufmann, Sands, Henry, Augare, Campbell, Erickson, Hamilton, and  
Pomnichowski. Motion carried.

**SEN. STEVE GALLUS, SD 37, BUTTE** moved to place **SB 132** on second reading for the 30st Legislative day.  
Motion carried.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 8 a.m., Saturday, February 10, 2007. Motion  
carried.

Senate adjourned at 3:28 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

**SENATE JOURNAL  
60TH LEGISLATURE  
THIRTIETH LEGISLATIVE DAY**

Helena, Montana  
February 10, 2007

Senate Chambers  
State Capitol

Senate convened at 8:00 a.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. Senator Lind excused. Quorum present.

Yeas: Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 44

Nays: Bales, Balyeat, Jackson, O'Neil, Shockley.  
Total 5

Absent or not voting: None.  
Total 0

Excused: Lind.  
Total 1

**MOTIONS**

**SEN. JERRY BLACK, SD 14, SHELBY** moved to change his vote on **HJ 3** from "no" to "yes". Motion carried.

**SEN. LARRY JENT, SD 32, BOZEMAN** moved to change his vote on **HJ 3** from "no" to "yes". Motion carried.

**SEN. VICKI COCCHIARELLA, SD 47, HELENA** moved **SB 352** and **SB 412** be re-referred to Business, Labor and Economic Affairs Committee. Motion carried.

**SEN. KEITH BALES, SD 20, OTTER** moved **SB 269** be placed on the 35th Legislative day agenda on second reading. Motion carried.

**SEN. JIM SHOCKLEY, SD 45, VICTOR** moved to change his vote from "yes" to "no" on **SB 98**. Motion carried.

**SEN. JOHN BRUEGGEMAN, SD 6, POLSON** moved to change his vote from "no" to "yes" on **SB 78**. Motion carried.

**SEN. STEVE GALLUS, SD 37, BUTTE** moved to take **SB 132** off today's second reading agenda and place it on the 31st Legislative day agenda for second reading.

**SEN. COREY STAPLETON, SD 27, BILLINGS** questioned why **SB 132** needed to be moved off the agenda. Senator Gallus responded that he has requested particular information from the Health Department and he hasn't received that information as of this date. Motion carried.



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**MESSAGES FROM THE OTHER HOUSE**

**House bills** passed and transmitted to the Senate for concurrence: 2/9/2007

**HB 117**, introduced by Henry

**House bill** passed and transmitted to the Senate for concurrence: 2/9/2007

**HB 143**, introduced by Reinhart

**House bill** passed and transmitted to the Senate for concurrence: 2/9/2007

**HB 419**, introduced by Koopman

**House bill** passed and transmitted to the Senate for concurrence: 2/9/2007

**HB 428**, introduced by Gallik

**House bill** passed and transmitted to the Senate for concurrence: 2/9/2007

**HB 526**, introduced by Groesbeck

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 450**, introduced by Juneau, Augare, Cordier, Jayne, referred to Judiciary.  
**SB 451**, introduced by Harrington, referred to Local Government.  
**SB 452**, introduced by Williams, Noonan, Lewis, Nooney, Hendrick, Murphy, Maclaren, Pomnichowski, Squires, W. Jones, Erickson, McAlpin, Reinhart, Stahl, Sands, Schmidt, Harrington, Lind, Brueggeman, Weinberg, Hansen referred to Natural Resources and Energy.  
**SB 453**, introduced by Essmann, referred to Business, Labor, and Economic Affairs.  
**SB 454**, introduced by Juneau, referred to Judiciary.

The following Senate joint resolution was introduced, read first time, and referred to committee:

**SJR 10**, introduced by Brown, Jackson, Steinbeisser, Black, Heinert, Lewis, Gebhardt, Cocchiarella, Squires, Brueggeman, Smith, Hilbert, referred to Judiciary.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Wanzenried in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

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**SB 211** - Senator Larson moved **SB 211** do pass. Motion carried as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 33

Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, McGee, O'Neil, Steinbeisser, Story, Tash.  
Total 16

Absent or not voting: None.  
Total 0

Excused: Lind.  
Total 1

**SB 406** - Senator Bales moved **SB 406** do pass. Motion carried unanimously.

**SB 386** - Senator Shockley moved **SB 386**, second reading copy, be amended as follows:

1. Page 1, line 16.

**Strike:** "provided in 61-5-307" on line 16

**Insert:** "a fine of not more than \$500 or imprisonment for not more than 6 months, or by both fine and imprisonment"

**Strike:** "provided in 61-5-212" on line 16

**Insert:** "a fine of not more than \$500 and imprisonment for not less than 2 days or more than 6 months"

Amendment adopted unanimously.

**SB 386** - Senator Shockley moved **SB 386**, as amended, do pass. Motion carried with Senator Ryan voting nay.

**SB 222** - Senator Esp moved **SB 222** do pass. Motion carried with Senator Shockley, Stapleton voting nay.

**SB 414** - Senator Laslovich moved **SB 414** do pass. Motion carried as follows:

Yeas: Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, McGee, Moss, Murphy, Pease, Perry, Peterson, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 40

Nays: Bales, Balyeat, Elliott, Esp, Essmann, O'Neil, Ryan, Shockley, Story.  
Total 9

Absent or not voting: None.  
Total 0

Excused: Lind.  
Total 1

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**SB 379** - Senator Laslovich moved **SB 379** do pass. Motion carried with Senator Juneau voting nay.

**SB 98** - Senator Harrington moved **SB 98** do pass. Motion carried with Senator Brueggeman, Stapleton voting nay.

**SB 213** - Senator Cobb moved **SB 213** do pass. Motion carried as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Elliott, Gillan, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Moss, Pease, Ryan, Schmidt, Shockley, Smith, Squires, M.Tropila, Wanzenried, Williams, Mr. President.  
Total 25

Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Esp, Essmann, Gallus, Gebhardt, Hansen, Jackson, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Stapleton, Steinbeisser, Story, Tash, J.Tropila, Weinberg.  
Total 24

Absent or not voting: None.  
Total 0

Excused: Lind.  
Total 1

**SB 269** - Senator Larson moved **SB 269** do pass. Motion carried with Senator O'Neil, McGee voting nay.

**SB 308** - Senator J. Peterson moved **SB 308** do pass. Motion carried unanimously.

**SB 209** - Senator Essmann moved **SB 209** do pass. Motion carried unanimously.

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Wanzenried moved the Committee of the Whole report be adopted. Report adopted unanimously.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 99** passed as follows:

Yeas: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 26

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Larson, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 24

Paired: Lind, Aye; Story, No.

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 78** passed as follows:

Yeas: Balyeat, Brown, Brueggeman, Cocchiarella, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lind, Moss, O'Neil, Pease, Ryan, Schmidt, Shockley, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 34

Nays: Bales, Barkus, Black, Cobb, Curtiss, Esp, Gebhardt, Lewis, McGee, Murphy, Perry, Peterson, Stapleton, Steinbeisser, Story, Tash.  
Total 16

Paired: Lind, Aye; Bales, No.

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1:00 p.m., Monday, February 12, 2007. Motion carried.

Senate adjourned at 10:22 a.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

**SENATE JOURNAL  
60TH LEGISLATURE  
THIRTY-FIRST LEGISLATIVE DAY**

Helena, Montana  
February 12, 2007

Senate Chambers  
State Capitol

Senate convened at 1 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senator Ryan, excused. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 43

Nays: Balyeat, Esp, Gebhardt, Jackson, O'Neil, Shockley.

Total 6

Absent or not voting: None.

Total 0

Excused: Ryan.

Total 1

**REPORTS OF STANDING COMMITTEES**

**JUDICIARY** (Laslovich, Chairman):

2/12/2007

**SB 283**, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 7.

**Strike:** "MOTOR"

**Insert:** "RENTAL"

**Strike:** "; REGULATING" on line 5 through "MCA" on line 7

2. Page 1, line 11 through p. 4, line 13.

**Strike:** everything after the enacting clause

**Insert:** "NEW SECTION. Section 1. Disclosure of recording device on rental vehicle -- definitions. (1) (a) Except as provided in subsection (1)(b), a rental vehicle entity that rents a rental vehicle equipped with a global positioning system or a satellite navigation system to a person in this state shall disclose in the rental agreement the presence and purpose of the system.

(b) A rental vehicle entity that uses event data recorders only to track lost or stolen vehicles or provide navigational services is not required to provide the disclosure in subsection (1)(a).

(2) As used in this section:

(a) "rental agreement" means a written agreement setting forth the terms and conditions governing the use of a rental vehicle that is provided by a rental vehicle entity for the rental of a rental vehicle for a period of not more than 90 days;

(b) "rental vehicle" means a light vehicle, a motorcycle, a motor-driven cycle, a quadricycle, a motorboat, a sailboat, or an off-highway vehicle, any of which is used under a rental agreement by a person other than the owner

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of the vehicle;

(c) "rental vehicle entity" means a business entity that provides rental vehicles to the public without a driver, pilot, or operator under a rental agreement for a fee."

**Insert:** "NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 61, and the provisions of Title 61 apply to [section 1]."

And, as amended, do pass. Report adopted.

**SB 342**, do pass. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

**Senate bill** concurred in and returned to the Senate: 2/12/2007

**SB 98**, introduced by Harrington

**Senate bill** concurred in and returned to the Senate: 2/12/2007

**SB 209**, introduced by Essmann

**Senate bill** concurred in and returned to the Senate: 2/12/2007

**SB 211**, introduced by Larson

**Senate bill** concurred in and returned to the Senate: 2/12/2007

**SB 213**, introduced by Cobb

**Senate bill** concurred in and returned to the Senate: 2/12/2007

**SB 222**, introduced by Esp

**Senate bill** concurred in and returned to the Senate: 2/12/2007

**SB 269**, introduced by Larson

**Senate bill** concurred in and returned to the Senate: 2/12/2007

**SB 308**, introduced by J. Peterson

**Senate bill** concurred in and returned to the Senate: 2/12/2007

**SB 379**, introduced by Laslovich

**Senate bill** concurred in and returned to the Senate: 2/12/2007

**SB 386**, introduced by Shockley

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**Senate bill** concurred in and returned to the Senate: 2/12/2007

**SB 406**, introduced by Bales

**Senate bill** concurred in and returned to the Senate: 2/12/2007

**SB 414**, introduced by Laslovich

**MOTIONS**

**SEN. DAN WEINBERG, SD 2, WHITEFISH** moved do pass consideration until the 33rd Legislative day on **SB 287**. Motion carried.

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 455**, introduced by Ryan, referred to Finance and Claims.

**SB 456**, introduced by Ryan, referred to Education and Cultural Resources.

**SB 457**, introduced by Ryan, referred to Education and Cultural Resources.

**SB 458**, introduced by Ryan, referred to Education and Cultural Resources.

**SB 459**, introduced by Elliott, Black, Tash, McGee, J. Peterson, Wanzenried, Laslovich, Story, Perry, Brueggeman, referred to State Administration.

**SB 460**, introduced by Esp, referred to Business, Labor, and Economic Affairs.

**SB 461**, introduced by Bales, Kasten, Lambert, Gebhardt, Ankney, referred to Natural Resources and Energy.

**SB 462**, introduced by Kitzenberg, referred to Education and Cultural Resources.

**SB 463**, introduced by Kitzenberg, referred to Highways and Transportation.

**SB 464**, introduced by Weinberg, referred to Taxation.

The following Senate joint resolution was introduced, read first time, and referred to committee:

**SJR 11**, introduced by Black, referred to Finance and Claims.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Tash in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 335** - Senator Tash moved **SB 335** do pass. Motion **carried** as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Kitzenberg, Laible, Laslovich, Lewis, McGee, Moss, Murphy, Pease, Perry, Peterson, Schmidt, Smith, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Mr. President.

Total 38

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Nays: Balyeat, Juneau, Kaufmann, Larson, Lind, O'Neil, Shockley, Squires, Wanzenried, Weinberg, Williams.  
Total 11

Absent or not voting: None.  
Total 0

Excused: Ryan.  
Total 1

**SB 384** - Senator Wanzenried moved **SB 384** do pass. Motion carried unanimously.

**HB 23** - Senator Laslovich moved **HB 23** be concurred in. Motion carried unanimously.

**SB 132** - Senator Gallus moved **SB 132** do pass. Motion **carried** as follows:

Yeas: Balyeat, Cobb, Cocchiarella, Essmann, Gallus, Hansen, Harrington, Jackson, Jent, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Moss, Murphy, O'Neil, Pease, Schmidt, Shockley, Smith, J.Tropila, M.Tropila, Weinberg, Williams, Mr. President.  
Total 26

Nays: Bales, Barkus, Black, Brown, Brueggeman, Curtiss, Elliott, Esp, Gebhardt, Gillan, Hawks, Juneau, Laible, Lind, McGee, Perry, Peterson, Ryan, Squires, Stapleton, Steinbeisser, Story, Tash, Wanzenried.  
Total 24

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 323** - Senator Laslovich moved **SB 323** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila.  
Total 40

Nays: Cocchiarella, Kaufmann, Moss, Ryan, Schmidt, Squires, Wanzenried, Weinberg, Williams, Mr. President.  
Total 10

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 350** - Senator Perry moved **SB 350** do pass. Motion carried as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Laslovich,



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Lewis, Lind, Moss, O'Neil, Pease, Perry, Peterson, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 43

Nays: Balyeat, Cobb, Larson, McGee, Murphy, Ryan, Shockley.  
Total 7

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 121** - Senator Elliott moved **SB 121** do pass. Motion carried with Senators Jackson, Shockley, Balyeat voting nay.

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Tash moved the Committee of the Whole report be adopted. Report adopted with Senator Wanzenried voting nay.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 211** passed as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 35

Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, McGee, O'Neil, Steinbeisser, Story.  
Total 15

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 406** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

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Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 386** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 48

Nays: O'Neil, Ryan.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 222** passed as follows:

Yeas: Bales, Balyeat, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 47

Nays: Barkus, Shockley, Stapleton.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 414** passed as follows:

Yeas: Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton,

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Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 45

Nays: Bales, Esp, Essmann, O'Neil, Shockley.  
Total 5

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 379** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 48

Nays: Juneau, Stapleton.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 98** passed as follows:

Yeas: Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 44

Nays: Bales, Brown, McGee, Murphy, Shockley, Stapleton.  
Total 6

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 213** passed as follows:

Yeas: Cobb, Cocchiarella, Elliott, Gallus, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Shockley, Smith, Squires, J.Tropila, M.Tropila,

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Wanzenried, Weinberg, Williams, Mr. President.  
Total 27

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Gillan, Hansen, Jackson, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Stapleton, Steinbeisser, Story, Tash.  
Total 23

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 269** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 47

Nays: Curtiss, McGee, O'Neil.  
Total 3

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 308** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 209** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann,

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Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**LEGISLATIVE ADMINISTRATION** (Smith, Chairman):

2/12/2007

MR. PRESIDENT:

We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 12:00 p.m., Saturday, February 10, 2007:

TITLE

NAME

Pages:

Michael Steinbeisser, Sidney  
Doug Waite, Great Falls  
Eric Wendt, Billings  
Nicole Hardy, Livingston  
Kelsey Mulcahy, Missoula  
Hilary Gourneau, Poplar  
Yvette Waters, Belgrade

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, February 12, 2007:

TITLE

NAME

Pages:

Gavin Mathis, Belgrade  
Michelle Rausch, Victor  
Allison Kendall, Plains  
Jacob Fern, Whitefish  
Brandon Mourich, Billings  
Steve Carey, Boulder  
Brenna Howard, Great Falls

Report Adopted.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1:00 p.m., Tuesday, February 13, 2007. Motion

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carried.

Senate adjourned at 3:17 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

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THIRTY-SECOND LEGISLATIVE DAY**

Helena, Montana  
February 13, 2007

Senate Chambers  
State Capitol

Senate convened at 1 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 45

Nays: Balyeat, Gebhardt, Jackson, O'Neil, Shockley.  
Total 5

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**MOTIONS**

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** moved the Senate Democrats recess for caucus. **SEN. COREY STAPLETON, SD 27, BILLINGS** moved the Republicans recess for caucus. Motions carried.

Senate reconvened at 1:36 p.m.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 44

Nays: Balyeat, Gebhardt, Jackson, O'Neil, Shockley.  
Total 5

Absent or not voting: None.  
Total 0

Excused: Esp.  
Total 1

**REPORTS OF STANDING COMMITTEES**

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Cocchiarella, Chairman):

2/13/2007

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**SB 258**, introduced bill, be amended as follows:

1. Page 1, line 13.

**Following:** "renewed"

**Strike:** the first "is an unlawful alien"

**Insert:** "has a unique social security number or tax identification number"

**Strike:** the second "is an unlawful alien"

**Insert:** "does not have a unique social security number or tax identification number"

2. Page 1, line 14.

**Following:** "department"

**Insert:** "shall request more information to determine if the individual is an unlawful alien. If the individual is an unlawful alien, the board or department"

3. Page 1, line 27.

**Following:** "(3)"

**Insert:** "(a)"

4. Page 1.

**Following:** line 28

**Insert:** "(b) The term does not include an individual who has:

(i) a U.S. passport, a tribal photo identification, or a birth certificate issued by a state, county, municipal authority, or outlying possession of the United States and bearing an official seal; or

(ii) a federally issued document used to verify employment eligibility, including:

(A) a U.S. citizen identification card (INS form I-197);

(B) an identification card of a resident citizen of the United States (INS form I-179);

(C) a certificate of U.S. citizenship (INS form N-560 or N-561);

(D) a certificate of naturalization (INS form N-550 or N-570);

(E) an unexpired foreign passport with I-551 stamp or attached INS form I-94;

(F) an unexpired temporary resident card (INS form I-688);

(G) an unexpired employment authorization card or document (INS form I-688A or I-688B with a photograph);

(H) a permanent resident card or alien registration receipt card with photograph (INS form I-151 or I-551);

(I) a department of defense DD form 214 or an active military identification card if on active duty; or

(J) an unexpired reentry permit (INS form I-327) or unexpired refugee travel document (INS form I-571)."

And, as amended, do pass. Report adopted.

**SB 319**, do pass. Report adopted.

**EDUCATION AND CULTURAL RESOURCES** (Ryan, Chairman):

2/13/2007

**SB 291**, introduced bill, be amended as follows:

1. Title, page 1, line 6.

**Following:** "DISTRICT;"

**Insert:** "PROVIDING FOR THE DISPOSITION OF DISTRICT BONDED INDEBTEDNESS UNDER CERTAIN CIRCUMSTANCES;"



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2. Title, page 1, line 7.

**Following:** "CREATION"

**Insert:** "OF A HIGH SCHOOL DISTRICT"

**Strike:** "SECTION"

**Insert:** "SECTIONS"

**Following:** "20-6-104,"

**Insert:** "20-9-366, 20-9-439, AND 20-9-502,"

3. Page 1, line 21.

**Strike:** "the newly created K-12 district will enroll"

4. Page 1, line 21 through line 22.

**Strike:** "within" on line 21 through "district" on line 22

**Insert:** "reside in the elementary district; and

(e) the taxable valuation and boundaries of the combining elementary and high school district are the same"

5. Page 1, line 27.

**Following:** "district."

**Insert:** "Approval of the proposition results in a tax levy for payments as provided in subsection (6)(b)."

6. Page 1, line 28.

**Following:** "for"

**Insert:** "the"

**Following:** "expansion"

**Insert:** "and the transition levy provided for in 20-9-502(6)"

7. Page 2, line 5.

**Strike:** "county superintendent determines that the"

**Insert:** "first school fiscal year in which the"

**Strike:** "is ready to accept"

**Insert:** "enrolls high school"

**Following:** "students"

**Insert:** "in all grades"

8. Page 2, line 6.

**Following:** "students"

**Insert:** "residing"

9. Page 2, line 7.

**Strike:** "providing tuition"

**Insert:** "paying the existing high school district:"

(a) tuition and transportation charged

**Following:** "20-5-321"

**Insert:** "; and

(b) an amount equal to the BASE general fund mills for the existing high school district assessed against the taxable valuation in the new K-12 district and funded using a building reserve fund levy for transition costs as provided in 20-9-502. The payment to the existing high school district must be deposited in the district general fund and used to reduce the BASE budget levy"

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10. Page 2.

**Following:** line 7

**Insert:** "(7) If bonded indebtedness has been approved by the voters of the existing high school district prior to [the effective date of this act] but the bonds have not been sold prior to the creation of the new K-12 district, then the future indebtedness of those bonds when those bonds are sold must be paid by levies on the original territory."

**Renumber:** subsequent subsection

11. Page 2.

**Following:** line 20

**Insert:** "**Section 3.** Section 20-9-366, MCA, is amended to read:

**"20-9-366. Definitions.** As used in 20-9-366 through 20-9-371, the following definitions apply:

(1) "County retirement mill value per elementary ANB" or "county retirement mill value per high school ANB" means the sum of the taxable valuation in the previous year of all property in the county divided by 1,000, with the quotient divided by the total county elementary ANB count or the total county high school ANB count used to calculate the elementary school districts' and high school districts' current year total per-ANB entitlement amounts.

(2) (a) "District guaranteed tax base ratio" for guaranteed tax base funding for the BASE budget of an eligible district means the taxable valuation in the previous year of all property in the district, except for property subject to the creation of a new school district under [section 1], divided by the sum of the district's current year BASE budget amount less direct state aid and the state special education allowable cost payment.

(b) "District mill value per ANB", for school facility entitlement purposes, means the taxable valuation in the previous year of all property in the district, except for property subject to the creation of a new school district under [section 1], divided by 1,000, with the quotient divided by the ANB count of the district used to calculate the district's current year total per-ANB entitlement amount.

(3) "Facility guaranteed mill value per ANB", for school facility entitlement guaranteed tax base purposes, means the sum of the taxable valuation in the previous year of all property in the state, multiplied by 140% and divided by 1,000, with the quotient divided by the total state elementary ANB count or the total state high school ANB count used to calculate the elementary school districts' and high school districts' current year total per-ANB entitlement amounts.

(4) (a) "Statewide elementary guaranteed tax base ratio" or "statewide high school guaranteed tax base ratio", for guaranteed tax base funding for the BASE budget of an eligible district, means the sum of the taxable valuation in the previous year of all property in the state, multiplied by 175% and divided by the total sum of either the state elementary school districts' or the high school districts' current year BASE budget amounts less total direct state aid.

(b) "Statewide mill value per elementary ANB" or "statewide mill value per high school ANB", for school retirement guaranteed tax base purposes, means the sum of the taxable valuation in the previous year of all property in the state, multiplied by 121% and divided by 1,000, with the quotient divided by the total state elementary ANB count or the total state high school ANB amount used to calculate the elementary school districts' and high school districts' current year total per-ANB entitlement amounts.""

**Insert:** "**Section 4.** Section 20-9-439, MCA, is amended to read:

**"20-9-439. Computation of net levy requirement for general obligation bonds -- procedure when levy inadequate.** Subject to [section 1], the following provisions apply:

(1) The county superintendent shall compute the levy requirement for each school district's general obligation debt service fund on the basis of the following procedure:

(a) Determine the total money available in the debt service fund for the reduction of the property tax on the district by totaling:

(i) the end-of-the-year fund balance in the debt service fund, less any limited operating reserve as provided in 20-9-438;

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(ii) anticipated interest to be earned by the investment of debt service cash in accordance with the provisions of 20-9-213(4) or by the investment of bond proceeds under the provisions of 20-9-435;

(iii) any state advance for school facilities distributed to a qualified district under the provisions of 20-9-346, 20-9-370, and 20-9-371;

(iv) funds transferred from the impact aid fund established pursuant to 20-9-514 that are authorized by 20-9-437(2) to be used to repay the district's bonds; and

(v) any other money, including money from federal sources, anticipated by the trustees to be available in the debt service fund during the ensuing school fiscal year from sources such as legally authorized money transfers into the debt service fund or from rental income, excluding any guaranteed tax base aid.

(b) Subtract the total amount available to reduce the property tax, determined in subsection (1)(a), from the final budget for the debt service fund as established in 20-9-438.

(2) The net debt service fund levy requirement determined in subsection (1)(b) must be reported to the county commissioners on the fourth Monday of August by the county superintendent as the net debt service fund levy requirement for the district, and a levy must be made by the county commissioners in accordance with 20-9-142.

(3) If the board of county commissioners fails in any school fiscal year to make a levy for any issue or series of bonds of a school district sufficient to raise the money necessary for payment of interest and principal becoming due during the next ensuing school fiscal year, in any amounts established under the provisions of this section, the holder of any bond of the issue or series or any taxpayer of the district may apply to the district court of the county in which the school district is located for a writ of mandate to compel the board of county commissioners of the county to make a sufficient levy for payment purposes. If, upon the hearing of the application, it appears to the satisfaction of the court that the board of county commissioners of the county has failed to make a levy or has made a levy that is insufficient to raise the amount required to be raised as established in the manner provided in this section, the court shall determine the amount of the deficiency and shall issue a writ of mandate directed to and requiring the board of county commissioners, at the next meeting for the purpose of fixing tax levies for county purposes, to fix and make a levy against all taxable property in the school district that is sufficient to raise the amount of the deficiency. The levy is in addition to any levy required to be made at that time for the ensuing school fiscal year. Any costs that may be allowed or awarded the petitioner in the proceeding must be paid by the members of the board of county commissioners and may not be a charge against the school district or the county."

**Insert: "Section 5.** Section 20-9-502, MCA, is amended to read:

**"20-9-502. Purpose and authorization of building reserve fund by election -- levy for school transition costs.** (1) The trustees of any district, with the approval of the qualified electors of the district, may establish a building reserve for the purpose of raising money for the future construction, equipping, or enlarging of school buildings, for the purpose of purchasing land needed for school purposes in the district, or for the purpose of funding school transition costs as provided in ~~subsection~~ subsections (5) and (6). In order to submit to the qualified electors of the district a building reserve proposition for the establishment of or addition to a building reserve, the trustees shall pass a resolution that specifies:

(a) the purpose or purposes for which the new or addition to the building reserve will be used;

(b) the duration of time over which the new or addition to the building reserve will be raised in annual, equal installments;

(c) the total amount of money that will be raised during the duration of time specified in subsection (1)(b); and

(d) any other requirements under 15-10-425 and 20-20-201 for the calling of an election.

(2) The total amount of building reserve, less the amount provided for in subsection (5), when added to the outstanding indebtedness of the district may not be more than the limitations provided in 20-9-406. Except as provided in ~~subsection~~ subsections (5)(b) and (6), a building reserve tax authorization may not be for more than 20 years.

(3) The election must be conducted in accordance with the school election laws of this title, and the electors qualified to vote in the election must be qualified under the provisions of 20-20-301. The ballot for a building reserve proposition must be substantially in compliance with 15-10-425.

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(4) The building reserve proposition is approved if a majority of those electors voting at the election approve the establishment of or addition to the building reserve. The annual budgeting and taxation authority of the trustees for a building reserve is computed by dividing the total authorized amount by the specified number of years. The authority of the trustees to budget and impose the taxation for the annual amount to be raised for the building reserve lapses when, at a later time, a bond issue is approved by the qualified electors of the district for the same purpose or purposes for which the building reserve fund of the district was established. Whenever a subsequent bond issue is made for the same purpose or purposes of a building reserve, the money in the building reserve must be used for the purpose or purposes before any money realized by the bond issue is used.

(5) (a) The trustees may submit a proposition to the qualified electors of the district for a levy to provide funding for transition costs incurred when the trustees:

- (i) open a new school under the provisions of Title 20, chapter 6;
- (ii) close a school;
- (iii) replace a school building; or
- (iv) consolidate with or annex another district under the provisions of Title 20, chapter 6.

(b) Except as provided in ~~subsection~~ "subsections" (5)(c) and (6), the total amount the trustees may submit to the electorate for transition costs may not exceed the number of years specified in the proposition times the greater of 5% of the district's maximum general fund budget for the current year or \$250 per ANB for the current year. ~~The~~ Except as provided in subsection (6), the duration of the levy for transition costs may not exceed 6 years.

(c) If the levy for transition costs is for consolidation or annexation:

(i) the limitation on the amount levied is calculated using the ANB and the maximum general fund budget for the districts that are being combined; and

(ii) the proposition must be submitted to the qualified electors in the combined district.

(d) The levy for transition costs may not be considered as outstanding indebtedness for the purpose of calculating the limitation in 20-9-406.

(6) The trustees of a K-12 district shall impose a levy for transition costs to fund the payment required by [section 1(6)(b)] when a proposition to create the K-12 district and to assess the transition levy has been approved pursuant to [section 1(2)]. The levy is limited to the amount required by [section 1(6)(a)] for a period not to exceed 3 years."

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**SB 390**, do pass. Report adopted.

**JUDICIARY** (Laslovich, Chairman):

2/13/2007

**SB 8**, introduced bill, be amended as follows:

1. Title, line 9.

**Following:** "SALE,"

**Insert:** "PURCHASE,"

2. Title, line 10 through line 11.

**Following:** "LAND;" on line 10

**Strike:** remainder of line 10 through "LAND;" on line 11

3. Title, line 12.

**Following:** "77-1-121,"

**Insert:** "AND"

**Following:** "77-1-202,"

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**Strike:** "77-1-301, 77-2-213, AND 77-2-214,"

4. Page 2, line 2.

**Following:** "~~department~~"

**Insert:** "department and"

**Following:** "board"

**Strike:** "is"

**Insert:** "are"

5. Page 3, line 9.

**Following:** "(4)"

**Insert:** "(a)"

6. Page 3, line 11.

**Following:** "sale,"

**Insert:** "purchase,"

**Following:** "land"

**Insert:** ", including investigations and estimations of value involved in proposed land exchanges. The board lawyer and appraiser shall perform other duties and functions as directed by the board"

7. Page 3, line 12.

**Following:** line 11

**Insert:** "(b) The board lawyer shall provide an independent opinion, upon request by any board member, on land sales and exchanges.

(c) The qualified land appraiser who is under contract to the board under subsection (4)(a) shall contract with regional appraisers in the state to appraise land that is under consideration for sale, purchase, or exchange and shall supervise the regional appraisers' work product."

8. Page 3, line 13 through page 4, line 14.

**Strike:** sections 4 through 6 in their entirety

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**SB 348**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** "CASE;"

**Insert:** "ALLOWING AN APPOINTMENT FOR A GUARDIAN AD LITEM OR COURT-APPOINTED SPECIAL ADVOCATE WHEN APPROPRIATE;"

2. Page 1, line 20.

**Following:** line 19

**Insert:** "(3) When appropriate, the court may appoint or have counsel assigned for a guardian ad litem or a court-appointed special advocate involved in a proceeding under a petition filed pursuant to 41-3-422."

**Renumber:** subsequent subsection

3. Page 1, line 20.

**Following:** "subsection (2)"

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**Insert:** "or (3)"

And, as amended, do pass. Report adopted.

**STATE ADMINISTRATION** (Squires, Chairman):

2/13/2007

**SB 260**, do pass. Report adopted.

**SB 270**, do pass. Report adopted.

**SB 285**, do pass. Report adopted.

**SB 295**, introduced bill, be amended as follows:

1. Page 2, line 7.

**Strike:** "who drop out of high school"

2. Page 2, line 8.

**Following:** the first "to"

**Insert:** "achieve a quality education and"

And, as amended, do pass. Report adopted.

**SB 364**, do pass. Report adopted.

**SB 367**, do pass. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

**House bill** passed and transmitted to the Senate for concurrence:

2/12/2007

**HB 334**, introduced by McChesney

**House bill** passed and transmitted to the Senate for concurrence:

2/12/2007

**HB 347**, introduced by Boggio

**House bill** passed and transmitted to the Senate for concurrence:

2/12/2007

**HB 402**, introduced by Noonan

**House bill** passed and transmitted to the Senate for concurrence:

2/12/2007

**HB 431**, introduced by Blasdel

**House bill** passed and transmitted to the Senate for concurrence:

2/12/2007

**HB 469**, introduced by McNutt

**House joint resolution** passed and transmitted to the Senate for concurrence:

2/12/2007

**HJR 20**, introduced by Milburn

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**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 465**, introduced by Cocchiarella, McNutt, referred to Business, Labor, and Economic Affairs.  
**SB 466**, introduced by Cocchiarella, referred to Business, Labor, and Economic Affairs.  
**SB 467**, introduced by Cocchiarella, referred to Business, Labor, and Economic Affairs.  
**SB 468**, introduced by Cocchiarella, referred to Business, Labor, and Economic Affairs.  
**SB 469**, introduced by Cocchiarella, referred to Highways and Transportation.  
**SB 470**, introduced by Elliott, referred to Taxation.  
**SB 471**, introduced by Jackson, referred to Judiciary.  
**SB 472**, introduced by Gillan, Ankney, referred to Taxation.  
**SB 473**, introduced by Black, referred to Natural Resources and Energy.  
**SB 474**, introduced by Black, referred to Business, Labor, and Economic Affairs.  
**SB 475**, introduced by Larson, Keane, referred to Business, Labor, and Economic Affairs.  
**SB 476**, introduced by O'Neil, referred to Judiciary.  
**SB 477**, introduced by O'Neil, referred to Judiciary.  
**SB 478**, introduced by Weinberg, Clark, W. Jones, referred to Public Health, Welfare and Safety.  
**SB 479**, introduced by Elliott, referred to Agriculture, Livestock and Irrigation.  
**SB 480**, introduced by Lind, referred to Business, Labor, and Economic Affairs.

The following House bills were introduced, read first time, and referred to committees:

**HB 334**, introduced by McChesney, referred to Highways and Transportation.  
**HB 347**, introduced by Boggio, referred to Education and Cultural Resources.  
**HB 402**, introduced by Noonan, referred to Judiciary.  
**HB 431**, introduced by Blasdel, referred to Agriculture, Livestock and Irrigation.  
**HB 469**, introduced by McNutt, referred to Taxation.

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 20**, introduced by Milburn, referred to Natural Resources and Energy.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator M. Tropila in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 166** - Senator Cobb moved **SB 166**, second reading copy, be amended as follows:

1. Title, page 1, line 15.

**Following:** "~~DATE~~"

**Insert:** "AND A TERMINATION DATE"

2. Page 6, line 29.

**Insert:** "NEW SECTION. **Section 7. Termination.** [Sections 1, 3, and 4] terminate February 28, 2009."

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Amendment adopted as follows:

Yeas: Bales, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 41

Nays: Balyeat, Barkus, Black, Brown, Brueggeman, Gebhardt, Larson, Perry, Stapleton.  
Total 9

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 166** - Senator J. Tropila moved **SB 166**, do pass as amended. Motion carried with Senator Juneau, Cobb, Barkus, Esp, Kaufmann voting nay.

**SB 342** - Senator Squires moved **SB 342** do pass. Motion carried unanimously.

**HB 470** - Senator Essmann moved **HB 470** be concurred in. Motion carried with Senator Juneau voting nay.

**SB 189** - Senator Cobb moved **SB 189**, second reading copy, be amended as follows:

1. Page 1, line 29.

**Insert:** "(3) This section does not apply to small telecommunications providers as defined in 69-3-901."

Amendment adopted as follows:

Yeas: Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Gallus, Gillan, Hansen, Jent, Juneau, Kitzenberg, Laible, Larson, Lind, Moss, Pease, Ryan, Schmidt, Shockley, Smith, Squires, J.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 29

Nays: Bales, Brown, Esp, Essmann, Gebhardt, Harrington, Hawks, Jackson, Kaufmann, Laslovich, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Stapleton, Steinbeisser, Story, Tash, M.Tropila.  
Total 21

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 189** - Senator Kitzenberg moved **SB 189**, as amended, do pass. Motion carried as follows:

Yeas: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.



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Total 27

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 215** - Senator Harrington moved **SB 215** do pass. Motion carried as follows:

Yeas: Bales, Black, Cocchiarella, Elliott, Esp, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laslovich, Lewis, Lind, Moss, Pease, Peterson, Ryan, Schmidt, Smith, Squires, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 32

Nays: Balyeat, Barkus, Brown, Brueggeman, Cobb, Curtiss, Essmann, Gebhardt, Jackson, Laible, Larson, McGee, Murphy, O'Neil, Perry, Shockley, Stapleton, Steinbeisser.

Total 18

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 318** - Senator J. Peterson moved consideration of **SB 318** be passed for the day. Motion carried unanimously.

**SB 56** - Senator Ryan moved **SB 56** do pass. Motion carried as follows:

Yeas: Brueggeman, Cocchiarella, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 27

Nays: Bales, Balyeat, Barkus, Black, Brown, Cobb, Curtiss, Elliott, Esp, Essmann, Gebhardt, Jackson, Laible, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 302** - Senator Barkus moved **SB 302** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Elliott, Esp, Essmann, Gallus,

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Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Weinberg, Williams, Mr. President.  
Total 43

Nays: Cocchiarella, Gillan, Juneau, Kaufmann, Pease, Squires, Wanzenried.  
Total 7

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman M. Tropila moved the Committee of the Whole report be adopted. Report adopted unanimously.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 335** passed as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Kitzenberg, Laible, Larson, Laslovich, Lewis, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Williams, Mr. President.  
Total 41

Nays: Balyeat, Cobb, Juneau, Kaufmann, Lind, O'Neil, Shockley, Squires, Weinberg.  
Total 9

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 384** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 23** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 132** passed as follows:

Yeas: Balyeat, Cobb, Cocchiarella, Gallus, Gillan, Hansen, Harrington, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Moss, Murphy, O'Neil, Pease, Schmidt, Shockley, Smith, J.Tropila, M.Tropila, Weinberg, Williams, Mr. President.  
Total 27

Nays: Bales, Barkus, Black, Brown, Brueggeman, Curtiss, Elliott, Esp, Essmann, Gebhardt, Hawks, Laible, Lind, McGee, Perry, Peterson, Ryan, Squires, Stapleton, Steinbeisser, Story, Tash, Wanzenried.  
Total 23

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 323** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila.  
Total 39

Nays: Cobb, Cocchiarella, Kaufmann, Moss, Ryan, Schmidt, Squires, Wanzenried, Weinberg, Williams, Mr. President.

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Total 11

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 350** passed as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Laslovich, Lewis, Lind, Moss, O'Neil, Pease, Perry, Peterson, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 43

Nays: Balyeat, Cobb, Larson, McGee, Murphy, Ryan, Shockley.

Total 7

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 121** passed as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: Balyeat.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**MOTIONS**

**SEN. KIM GILLAN, SD 24, BILLINGS** moved **SB 166** be re-referred to Finance and Claims Committee. Motion carried.

**SEN. GREG LIND, SD 50, MISSOULA** moved **SB 283** be re-referred to Judiciary Committee. Motion carried.

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**SEN. VICKI COCCHIARELLA, SD 47, HELENA** moved **SB 455** be re-referred to Business, Labor and Economic Affairs Committee. Motion carried.

**UNFINISHED BUSINESS**

**SEN. COREY STAPLETON, SD 27, BILLINGS** commented he was concerned with the whereabouts of **SB 339**. He didn't want it to miss transmittal. **SEN. KIM GILLAN, SD 24, BILLINGS** noted that each bill will be properly heard.

**SENATOR STAPLETON** brought forth a point of order under Section 125 stating the broadcasting of citizens names during session debate should be refrained from. **SEN. MIKE COONEY, SD 40, HELENA** commented that the body would be well served by not referring to individuals during session debate.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1 p.m., Wednesday, February 14, 2007. Motion carried.

Senate adjourned at 3:30 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

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60TH LEGISLATURE  
THIRTY-THIRD LEGISLATIVE DAY**

Helena, Montana  
February 14, 2007

Senate Chambers  
State Capitol

Senate convened at 1 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. Senator Schmidt excused. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 42

Nays: Balyeat, Esp, Gebhardt, Hansen, Jackson, O'Neil, Shockley.  
Total 7

Absent or not voting: None.  
Total 0

Excused: Schmidt.  
Total 1

**REPORTS OF STANDING COMMITTEES**

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Cocchiarella, Chairman):  
**SB 254**, introduced bill, be amended as follows:

2/14/2007

1. Title, page 1, line 6.

**Following:** "BARGAINING;"

**Insert:** "REQUIRING SECRET BALLOTS;"

2. Page 1, line 14 through line 15.

**Following:** "a" on line 14

**Strike:** "governmental body"

**Insert:** "state agency, as defined in 18-5-602,"

3. Page 1, line 16.

**Strike:** "governmental body"

**Insert:** "state agency, as defined in 18-5-602"

4. Page 1.

**Following:** line 24

**Insert:** "(3) The process used in subsection (2) must provide for a secret balloting by employees.

(4) A third party mutually agreed upon by the union and the contracted employer shall check authorization cards and shall keep individual cards confidential."

**Renumber:** subsequent subsection

5. Page 3, line 11.

**Strike:** "governmental body"

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**Insert:** "state agency, as defined in 18-5-602,"

6. Page 3, line 12.

**Strike:** "governmental body"

**Insert:** "state agency, as defined in 18-5-602"

And, as amended, do pass. Report adopted.

**SB 333**, do pass. Report adopted.

**SB 380**, introduced bill, be amended as follows:

1. Title, line 4 through line 5.

**Strike:** "AND" on line 4 through "ALCOHOL" on line 5

2. Title, line 6 through line 7.

**Following:** "POSITIVE;" on line 6

**Insert:** "AND"

**Strike:** "OR" on line 6 through "ALCOHOL" on line 7

3. Title, line 7 through line 14.

**Strike:** "; REQUIRING" on line 7 through "MCA" on line 14

4. Page 1, line 18.

**Strike:** "and alcohol"

5. Page 1, line 20 through line 21.

**Strike:** subsection (a) in its entirety

**Renumber:** subsequent subsections

6. Page 1, line 25 through line 27.

**Strike:** subsection (c) in its entirety

**Renumber:** subsequent subsections

7. Page 1, line 30 through page 2, line 1.

**Strike:** subsection (e) in its entirety

**Renumber:** subsequent subsection

8. Page 2, line 7.

**Following:** "nurse,"

**Insert:** "or"

**Strike:** ", or breath alcohol technician"

9. Page 2, line 9.

**Following:** "drug test"

**Strike:** "or positive" through the second "test"

10. Page 2, line 11.

**Strike:** "or alcohol"

11. Page 2, line 12.

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**Following:** "nurse,"  
**Insert:** "or"

12. Page 2, line 13.  
**Following:** "person"  
**Strike:** ", or" through "technician"

13. Page 2, line 10.  
**Strike:** "shall"  
**Insert:** "may"

14. Page 2, line 15.  
**Following:** "nurse,"  
**Insert:** "or"  
**Strike:** ", or breath alcohol technician,"

15. Page 2, line 16.  
**Following:** "person"  
**Strike:** ", or breath alcohol technician"

16. Page 2, line 17.  
**Following:** "nurse,"  
**Insert:** "or"  
**Following:** "person"  
**Strike:** ", or breath alcohol technician"

17. Page 2, line 19 through line 20.  
**Following:** "2]."  
**Strike:** "Failure" on line 19 through "violation." on line 20

18. Page 2, line 22.  
**Strike:** "Suspension" through "-- report"  
**Insert:** "Recording"

19. Page 2, line 23.  
**Strike:** "or alcohol"  
**Strike:** "hearing" through "suspension"  
**Insert:** "petition to clear record"  
**Strike:** "(a)" through "receives"  
**Insert:** "The department shall record on a Montana-licensed commercial motor vehicle operator's motor vehicle record"

20. Page 2, line 24.  
**Following:** "person,"  
**Strike:** "breath alcohol technician,"

21. Page 2, line 25.  
**Strike:** "that"  
**Insert:** "when"



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22. Page 2, line 26.

**Strike:** "or a positive" through "confirmation test"

**Strike:** "or alcohol"

23. Page 2, line 27 through line 30.

**Strike:** ", the department" on line 27 through "operator" on line 30

24. Page 2.

**Following:** line 30

**Insert:** "(2) The department shall remove the information recorded under subsection (1) if, after 1 year, the Montana-licensed commercial motor vehicle operator petitions the department to remove the information and provides written documentation of satisfactory participation in or successful completion of a drug treatment or education program."

25. Page 3, line 1 through page 4, line 25.

**Strike:** page 3, line 1, through page 4, line 25, in their entirety

26. Page 4, line 27 through page 6, line 19.

**Strike:** sections 3 through 5 in their entirety

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**HIGHWAYS AND TRANSPORTATION** (Pease, Chairman):

2/14/2007

**SB 121**, do pass. Report adopted.

**SB 422**, do pass. Report adopted.

**LOCAL GOVERNMENT** (Gillan, Chairman):

2/14/2007

**SB 102**, introduced bill, be amended as follows:

1. Title, line 6.

**Strike:** "NATURAL"

**Following:** "DISASTERS"

**Insert:** ", "

**Strike:** "AND OTHER"

**Following:** "INCIDENTS"

**Insert:** ", "

2. Title, line 7.

**Strike:** "POLITICAL SUBDIVISIONS IN OTHER STATES"

**Insert:** "FIRE PROTECTION SERVICES, EMERGENCY MEDICAL CARE PROVIDERS, AND LOCAL GOVERNMENT SUBDIVISIONS"

3. Title, lines 9 through 11.

**Strike:** "REQUIRING" on line 9 through "ASSISTANCE;" on line 11

4. Title, line 12.

**Strike:** "10-3-205, 10-3-207, AND"

5. Title, line 13.

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**Following:** "10-3-209,"

**Insert:** "10-3-1102, AND 10-3-1103,"

6. Page 1, lines 19 and 20.

**Strike:** "natural" on line 19

**Following:** "emergencies" on line 19

**Strike:** "or" on line 19 through "persons" on line 20

7. Page 1, line 30 through page 2, line 1.

**Strike:** "political" on page 1, line 30 through "Montana" on page 2, line 1

**Insert:** "fire protection services, emergency medical care providers, and local government subdivisions pursuant to Title 10, chapter 3, part 11"

8. Page 2, lines 4 and 5.

**Strike:** "or" on line 4

**Insert:** "and"

**Strike:** "has" on line 4 through "term" on line 5

**Insert:** "have the meanings provided"

9. Page 2, lines 27 and 28.

**Strike:** "political" on line 27 through "Montana" on line 28

**Insert:** "fire protection services, emergency medical care providers, and local government subdivisions pursuant to Title 10, chapter 3, part 11"

10. Page 3, lines 5 and 6.

**Strike:** "natural" on line 5

**Following:** "emergencies" on line 5

**Strike:** "or" on line 5 through "persons" on line 6

11. Page 3, lines 17 and 18.

**Strike:** "political" on line 17 through "Montana" on line 18

**Insert:** "fire protection services, emergency medical care providers, and local government subdivisions pursuant to Title 10, chapter 3, part 11"

12. Page 3, line 22.

**Strike:** "or"

**Insert:** "and"

13. Page 3, lines 27 and 28.

**Strike:** "natural" on line 27

**Following:** "emergencies" on line 27

**Strike:** "or" on line 27 through "persons" on line 28

14. Page 4, lines 9 and 10.

**Strike:** "political" on line 9 through "Montana" on line 10

**Insert:** "fire protection services, emergency medical care providers, and local government subdivisions pursuant to Title 10, chapter 3, part 11"

15. Page 4, lines 21 and 22.

**Strike:** "in" through "Montana"

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**Insert:** "pursuant to Title 10, chapter 3, part 11,"

16. Page 4, lines 27 and 28.

**Strike:** "or" through "10-3-205(3)"

17. Page 5, lines 6 through page 8, line 2.

**Strike:** sections 6 and 7 in their entirety

**Renumber:** subsequent sections

18. Page 8, line 29 through line 30.

**Strike:** "body" on line 29 through "Montana" on line 30

**Insert:** "bodies of fire protection services, emergency medical care providers, and local government subdivisions of any other state or the United States pursuant to part 11 of this chapter"

19. Page 9.

**Following:** line 17

**Insert:** "**Section 7.** Section 10-3-1102, MCA, is amended to read:

**"10-3-1102. Purpose.** It is the purpose of this part to permit one or more fire protection services, emergency medical care providers, or local government subdivisions of this state to enter into mutual aid agreements, on the basis of mutual advantage, with one or more fire protection services, emergency medical care providers, or local government subdivisions of any other state or the United States in order to facilitate and coordinate efficient, cooperative ~~firefighting~~ efforts directed toward protection of life and property in areas transcending state boundaries that, due to geographic remoteness, population sparsity, and economic or other factors, are in need of ~~such~~ those services.""

**Insert:** "**Section 8.** Section 10-3-1103, MCA, is amended to read:

**"10-3-1103. Definitions.** As used in this part, unless the context requires otherwise, the following definitions apply:

(1) "Emergency medical care provider" means a local government subdivision or other entity, whether public or private, licensed by the state to provide emergency medical services pursuant to Title 50, chapter 6.

(2) "Fire protection service" means a ~~paid or volunteer fire department, fire company,~~ governmental fire agency organized under Title 7, chapter 33, or other another fire suppression entity organized under the laws of this state, any ~~party~~ other state, or an agency of the government of the United States.

(3) "Local government subdivision" means the local governmental entity, other than state government, including but not limited to incorporated towns and cities, townships, and counties.

(4) "Mutual aid agreement" or "agreement" means an agreement, consistent with the purposes of this part, by one or more fire protection services, emergency medical care providers, or local government subdivisions of this state with one or more fire protection services, emergency medical care providers, or local government subdivisions of any other state or the United States.

(5) "Party emergency service" means a fire protection service, emergency medical care provider, local government subdivision, or agency of the United States that is a party to a mutual aid agreement as ~~set forth~~ provided in this part.""

And, as amended, do pass. Report adopted.

**SB 103**, introduced bill, be amended as follows:

1. Title, line 6 through line 8.

**Strike:** "CHANGING" on line 6 through "REQUIRED;" on line 8

2. Page 2, line 1.

**Strike:** "40% or more of the"

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3. Page 2, lines 3 and 4.

**Strike:** "registered" on line 3 through "district" on line 4

**Insert:** "the owners of more than 50% of the area of the privately owned lands included within the proposed district who constitute a majority of the real property owners of the area"

4. Page 2, line 5.

**Following:** "(2)"

**Insert:** "(a)"

5. Page 2.

**Following:** line 5

**Insert:** "(b) A city or town may withdraw from a district 2 years after providing to the board of county commissioners notice of intent to withdraw."

6. Page 2, lines 11 and 12.

**Strike:** "registered voter residing"

**Insert:** "real property owner"

7. Page 2, lines 25 and 26.

**Strike:** "registered voter who resides" on line 25

**Insert:** "real property owner"

**Strike:** "and who" on line 25 through "district" on line 6

**Strike:** "voter's" on line 26

**Insert:** "owner's"

8. Page 6, line 23.

**Strike:** "Registered voters residing in"

**Insert:** "Real property owners of"

9. Page 6, line 25.

**Strike:** "40% or more"

**Insert:** "more than 50%"

**Strike:** "registered voters"

**Insert:** "real property owners"

10. Page 7, line 8.

**Strike:** "40%" through "voters"

**Insert:** "more than 50% of the real property owners"

11. Page 7, line 28.

**Strike:** "40% or more of the"

12. Page 7, line 30.

**Strike:** "registered voters residing in"

**Insert:** "the owners of more than 50% of the real property of the area of privately owned lands included within the entire original district who constitute a majority of the real property owners in"

13. Page 8, line 18.

**Strike:** "40% or more of the"

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14. Page 8, lines 19 and 20.

**Strike:** "registered voters who reside"

**Insert:** "the owners of more than 50% of the area of privately owned lands of the adjacent area proposed to be annexed who constitute a majority of the real property owners"

15. Page 8, line 30.

**Strike:** "at" through "in"

**Insert:** "a majority of the real property owners of"

16. Page 9, line 4.

**Following:** "(4)"

**Insert:** "(a)"

17. Page 9.

**Following:** line 5

**Insert:** "(b) A city or town may withdraw from the district territory that has been annexed under this section 2 years after providing to the board of county commissioners notice of intent to withdraw."

18. Page 9, line 11.

**Strike:** "40% or more of the"

19. Page 9, lines 12 and 13.

**Strike:** "registered voters residing"

**Insert:** "the owners of more than 50% of the privately owned lands of an area that is part of an organized fire district who constitute a majority of real property owners"

20. Page 9, line 19.

**Strike:** "40% or more of the"

21. Page 9, lines 20 and 21.

**Strike:** "registered voters residing in"

**Insert:** "the owners of more than 50% of the area of the privately owned lands included within either district affected who constitute a majority of the real property owners of"

22. Page 10, line 9.

**Strike:** "40% or more of the"

23. Page 10, lines 10 and 11.

**Strike:** "registered voters residing in the"

**Insert:** "the owners of more than 50% of the area of the privately owned lands included within the fire district who constitute a majority of real property owners of the"

And, as amended, do pass. Report adopted.

**SB 299**, do pass. Report adopted.

**SB 301**, do pass. Report adopted.

**TAXATION** (Elliott, Chairman):

2/14/2007

**SB 76**, introduced bill, be amended as follows:

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1. Title, line 7.

**Strike:** "ALL"

**Insert:** "CERTAIN"

2. Title, line 13.

**Following:** "15-31-511,"

**Insert:** "17-1-132,"

3. Page 1, line 22.

**Following:** "auditor,"

**Insert:** "the"

4. Page 1, line 23.

**Following:** "analyst"

**Insert:** "pursuant to 5-12-303"

**Strike:** "upon request"

**Insert:** "pursuant to 17-7-111"

5. Page 1, line 24.

**Following:** "law."

**Insert:** "The legislative fiscal analyst and the office of budget and program planning may disclose state return information to each other."

6. Page 1.

**Following:** line 26

**Insert:** "(3) Income tax information held by the department, the legislative auditor, the legislative fiscal analyst, and the office of budget and program planning are solely for their official use and are not a public record."

**Renumber:** subsequent subsections

7. Page 2, line 6.

**Strike:** "and tax records"

8. Page 2.

**Following:** line 16

**Insert:** "(3) (a) The department of revenue shall make Montana individual income tax information available by removing names, addresses, and social security numbers and substituting in their place a state accounting record identifier number. Except for the purposes of complying with federal law, the department may not alter the data in any other way.

(b) The department of revenue shall provide the name and address of a taxpayer on written request of the legislative fiscal analyst when the values on the requested return, including estimated payments, are considered necessary by the legislative fiscal analyst to properly analyze state revenue and are of a sufficient magnitude to materially affect the analysis and when the identity of the taxpayer is necessary to evaluate the effect of the return or payments on the analysis being performed."

**Renumber:** subsequent subsections

9. Page 2, line 24.

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**Following:** "disclosure"

**Insert:** "or if the department of revenue notifies the fiscal analyst that specified records or information may contain confidential information"

10. Page 2, line 27.

**Following:** "[section 1]."

**Insert:** "17-7-111,"

11. Page 2, line 29.

**Strike:** "knowingly or purposely"

12. Page 3, line 22 through line 23.

**Strike:** "\$1,000" on line 22 through "both" on line 23

**Insert:** "\$500"

13. Page 4, line 11.

**Strike:** "The"

**Insert:** "On written request to the director or a designee of the director, the"

14. Page 4, line 27.

**Following:** "5-12-303"

**Insert:** ", "

**Strike:** "and"

**Following:** "[section 1]"

**Insert:** ", and 17-7-111"

15. Page 5, line 8.

**Strike:** "knowingly or purposely"

16. Page 6, line 10.

**Strike:** "The"

**Insert:** "On written request to the director or a designee of the director, the"

**Following:** "shall"

**Strike:** "on request"

17. Page 6, line 16.

**Following:** "planning"

**Insert:** ", as provided in [section 1] or 17-7-111"

18. Page 6, line 19 through line 20.

**Strike:** "\$1,000" on line 19 through "both" on line 20

**Insert:** "\$500"

19. Page 6, line 24.

**Insert:** "**Section 5.** Section 17-1-132, MCA, is amended to read:

**"17-1-132. Access to information. (1)** The budget director ~~shall have~~ has the power to demand and receive from every department, officer, board, commission, or institution, at any time, any and all information requested.

**(2)** The budget director may investigate and examine the costs and revenue of state government activities and may examine and obtain copies of the records, books, and files of any state agency, including confidential

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records.

(3) When confidential records and information are obtained from a state agency, the budget director and staff are subject to the same penalties for unauthorized disclosure of the confidential records and information as are provided for under the laws administered by the state agency. The budget director shall develop policies to prevent the unauthorized disclosure of confidential records and information obtained from state agencies.

(4) This section does not authorize publication or public disclosure of information if the law prohibits publication or disclosure or if the department of revenue notifies the budget director that specified records or information may contain confidential information."

**Renumber:** subsequent sections

20. Page 9.

**Following:** lines 13 through 17

**Strike:** subsection (6) in its entirety

**Insert:** "(6) (a) The department of revenue shall make Montana individual income tax information available by removing names, addresses, and social security numbers and substituting in their place a state accounting record identifier number. Except for the purposes of complying with federal law, the department may not alter the data in any other way.

(b) The department of revenue shall provide the name and address of a taxpayer on written request of the budget director when the values on the requested return, including estimated payments, are considered necessary by the budget director to properly analyze state revenue and are of a sufficient magnitude to materially affect the analysis and when the identity of the taxpayer is necessary to evaluate the effect of the return or payments on the analysis being performed."

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

**House bill** passed and transmitted to the Senate for concurrence: 2/13/2007

**HB 253**, introduced by Ross

**House bill** passed and transmitted to the Senate for concurrence: 2/13/2007

**HB 291**, introduced by Ross

**House bill** passed and transmitted to the Senate for concurrence: 2/13/2007

**HB 328**, introduced by Stahl

**House bill** passed and transmitted to the Senate for concurrence: 2/13/2007

**HB 426**, introduced by Ross

**House bill** passed and transmitted to the Senate for concurrence: 2/13/2007

**HB 433**, introduced by Wiseman

**House bill** passed and transmitted to the Senate for concurrence: 2/13/2007

**HB 437**, introduced by Gallik



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**House bill** passed and transmitted to the Senate for concurrence: 2/13/2007

**HB 449**, introduced by Pomnichowski

**House bill** passed and transmitted to the Senate for concurrence: 2/13/2007

**HB 532**, introduced by Jacobson

**House joint resolution** passed and transmitted to the Senate for concurrence: 2/13/2007

**HJR 13**, introduced by Ankney

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 481**, introduced by Wanzenried, referred to Judiciary.

**SB 482**, introduced by Essmann, Arntzen, referred to Judiciary.

**SB 483**, introduced by Elliott, referred to Taxation.

**SB 484**, introduced by Essmann, referred to Education and Cultural Resources.

**SB 485**, introduced by Brueggeman, referred to State Administration.

**SB 486**, introduced by Shockley, Laslovich, referred to Judiciary.

**SB 487**, introduced by Story, referred to Taxation.

**SB 488**, introduced by Ryan, referred to Education and Cultural Resources.

**SB 489**, introduced by Cocchiarella, referred to State Administration.

**SB 490**, introduced by Moss, referred to Business, Labor, and Economic Affairs.

**SB 491**, introduced by Moss, referred to State Administration.

**SB 492**, introduced by Gebhardt, referred to Taxation.

**SB 493**, introduced by Kitzenberg, referred to Highways and Transportation.

**SB 494**, introduced by Perry, referred to Taxation.

**SB 495**, introduced by Smith, Campbell, Juneau, Small-Eastman, J. Tropila, Augare, Pease, Kitzenberg, Windy Boy, referred to Business, Labor, and Economic Affairs.

The following Senate joint resolutions were introduced, read first time, and referred to committees:

**SJR 12**, introduced by Brueggeman, Dickenson, Williams, Campbell, French, Reinhart, Erickson, Henry, Wilmer, Cohenour, Wanzenried, Schmidt, Phillips, Jacobson, Smith, Hamilton, Gillan, McAlpin, Cordier, Noonan, Larson, Furey, referred to Education and Cultural Resources.

**SJR 13**, introduced by Smith, Steinbeisser, Bales, L. Jones, Stahl, Reinhart, referred to Agriculture, Livestock and Irrigation.

The following House bills were introduced, read first time, and referred to committees:

**HB 433**, introduced by Wiseman, referred to State Administration.

**HB 437**, introduced by Gallik, referred to Public Health, Welfare and Safety.

**HB 449**, introduced by Pomnichowski, referred to Public Health, Welfare and Safety.

**HB 532**, introduced by Jacobson, referred to State Administration.

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**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator McGee in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 270** - Senator Larson moved **SB 270** do pass. Motion carried unanimously.

**SB 285** - Senator Cooney moved **SB 285** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Black, Brown, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, Tash, J. Tropila, M. Tropila, Wanzenried, Williams, Mr. President.  
Total 43

Nays: Barkus, Esp, Larson, Ryan, Stapleton, Weinberg.  
Total 6

Absent or not voting: Brueggeman.  
Total 1

Excused: None.  
Total 0

**SB 364** - Senator Story moved **SB 364** do pass. Motion carried unanimously.

**SB 367** - Senator Lind moved **SB 367** do pass. Motion carried unanimously.

**SB 287** - Senator Weinberg moved **SB 287**, second reading copy, be amended as follows:

1. Page 13, lines 21 through 27.

**Strike:** subsection (3) in its entirety

**Insert:** "(3) A hospital, as soon as practical after the arrival of an individual reasonably believed dead or near death, shall make a reasonable search of the individual for a document of gift or other information identifying the bearer as a donor or as an individual who has refused to make an anatomical gift if there is not immediately available any other source of that information."

2. Page 13, line 29.

**Strike:** "(3)(a)"

**Insert:** "(3)"

3. Page 16, lines 21 through 26.

**Strike:** subsection (2) in its entirety

**Renumber:** subsequent subsections

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4. Page 17, line 13.

**Following:** "(2)"

**Strike:** "The"

**Insert:** "For the purpose of expediting an anatomical gift, the"

5. Page 17, line 30.

**Following:** "death,"

**Insert:** "the collection of evidence, or the description, documentation, or interpretation of injuries on the body,"

6. Page 17, line 30.

**Following:** "attorney"

**Strike:** "shall"

**Insert:** "may"

7. Page 18, lines 3 through 11.

**Strike:** subsection (6) in its entirety

**ReNUMBER:** subsequent subsections

8. Page 18, line 12.

**Following:** "recovery"

**Strike:** "under subsection (6)"

9. Page 18, line 18.

**Following:** "(4)"

**Strike:** ", "

**Insert:** "or"

**Strike:** ", or (6)"

10. Page 18, lines 21 through 24

**Strike:** subsection (9) in its entirety

Amendment adopted unanimously.

**SB 287** - Senator Bales moved **SB 287**, as amended, do pass. Motion carried unanimously.

**SB 275** - Senator Kitzenberg moved **SB 275** do pass. Motion **failed** as follows:

Yeas: Essmann, Gillan, Hawks, Juneau, Kaufmann, Kitzenberg, Moss, Pease, Schmidt, Weinberg, Williams, Mr. President.

Total 12

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gebhardt, Hansen, Harrington, Jackson, Jent, Laible, Larson, Laslovich, Lewis, Lind, McGee, Murphy, O'Neil, Perry, Peterson, Ryan, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried.

Total 38

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 275** - Senator Williams moved **SB 275** be **indefinitely postponed**. Motion **carried** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Hansen, Harrington, Jackson, Jent, Laible, Larson, Laslovich, Lewis, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams.  
Total 40

Nays: Gallus, Gillan, Hawks, Juneau, Kaufmann, Kitzenberg, Lind, Moss, Mr. President.  
Total 9

Absent or not voting: Shockley.  
Total 1

Excused: None.  
Total 0

**SB 319** - Senator Cocchiarella moved **SB 319** do pass. Motion carried with Senator Ryan voting nay.

**SB 291** - Senator Perry moved **SB 291** do pass. Motion carried with Senator Williams voting nay.

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman McGee moved the Committee of the Whole report be adopted. Report adopted.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 342** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

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Excused: None.  
Total 0

**HB 470** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: Juneau.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 189** passed as follows:

Yeas: Cobb, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 26

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 24

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 215** passed as follows:

Yeas: Bales, Black, Brueggeman, Cocchiarella, Elliott, Esp, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laslovich, Lewis, Lind, Moss, Pease, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 34

Nays: Balyeat, Barkus, Brown, Cobb, Curtiss, Essmann, Gebhardt, Jackson, Laible, Larson, McGee, Murphy, O'Neil, Perry, Shockley, Steinbeisser.  
Total 16

Absent or not voting: None.

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Total 0

Excused: None.

Total 0

**SB 56** passed as follows:

Yeas: Brueggeman, Cocchiarella, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 27

Nays: Bales, Balyeat, Barkus, Black, Brown, Cobb, Curtiss, Elliott, Esp, Essmann, Gebhardt, Jackson, Laible, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 302** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Perry, Peterson, Ryan, Schmidt, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Weinberg, Williams, Mr. President.

Total 44

Nays: Cocchiarella, Juneau, Kaufmann, Pease, Smith, Wanzenried.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**MOTIONS**

**SEN. DAN HARRINGTON, SD 38, BUTTE** moved to suspend the rules to allow for the drafting of a joint resolution urging Taiwan's participation in WHO. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

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Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Cobb.  
Total 1

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 12:30 p.m., Friday, February 15, 2007. Motion carried.

Senate adjourned at 3:11 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

**SENATE JOURNAL  
60TH LEGISLATURE  
THIRTY-FOURTH LEGISLATIVE DAY**

Helena, Montana  
February 15, 2007

Senate Chambers  
State Capitol

Senate convened at 12:30 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. Senators Black, Brueggeman, Cocchiarella, J. Tropila excused. Quorum present.

Yeas: Bales, Barkus, Brown, Cobb, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 40

Nays: Balyeat, Gebhardt, Jackson, McGee, O'Neil, Shockley.

Total 6

Absent or not voting: None.

Total 0

Excused: Black, Brueggeman, Cocchiarella, J. Tropila.

Total 4

**REPORTS OF STANDING COMMITTEES**

**EDUCATION AND CULTURAL RESOURCES** (Ryan, Chairman):

2/15/2007

**SB 38**, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 7.

**Strike:** "PAY" on line 5 through "BUDGET" on line 7

**Insert:** "USE THE DISTRICT TRANSPORTATION FUND TO PAY THE COSTS OF BUSING PUPILS FOR FIELD TRIPS AND TRIPS FOR SCHOOL-RELATED ATHLETICS OR ACTIVITIES; PROVIDING STATE AND COUNTY TRANSPORTATION AID FOR CERTAIN TRIPS APPROVED BY THE COUNTY TRANSPORTATION COMMITTEE"

2. Title, page 1, line 9.

**Following:** "20-3-205"

**Strike:** "AND"

**Insert:** ", 20-10-101, 20-10-132, 20-10-141,"

**Following:** "20-10-143,"

**Insert:** "20-10-144, AND 20-10-145,"

3. Page 1.

**Following:** line 13

**Insert:** "NEW SECTION. Section 1. Busing for field trips and school-related athletics and activities. (1) A school district that uses a school bus for busing pupils of the district on a field trip or school-related athletic or activity trip may request state and county transportation aid for a trip approved by the county transportation committee as provided in 20-10-132.



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(2) State and county transportation aid for busing approved under this section is limited to the schedule of mileage reimbursement rates provided in 20-10-141 for miles actually traveled.

(3) School districts may pay certain costs of busing using the district transportation fund for trips provided and approved under this section when trips are taken during the school year, including costs for bus drivers and aides; fuel, insurance, and equipment costs; and contracted bus services. The cost of lodging, meals, and other incidental costs of trips may not be charged to the transportation fund for trips under this section.

(4) Trustees shall budget and must receive the approved state and county transportation aid in the school year in which the approved trip was conducted.

(5) Busing under this section may be authorized only for riders who are pupils of the district and for a reasonable number of adult chaperone bus riders.

(6) Transportation aid received by the district for trips under this section must be deposited into the district transportation fund."

**Renumber:** subsequent sections

4. Page 2, line 21.

**Following:** "claims"

**Insert:** ", including claims for reimbursement for trips approved under [section 1],"

5. Page 3.

**Following:** line 21

**Insert:** "Section 3. Section 20-10-101, MCA, is amended to read:

**"20-10-101. Definitions.** As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1)(a) "Bus route" means a route approved by the board of trustees of a school district and by the county transportation committee.

(b) The term does not include field trips or trips for school-related athletics and activities.

(2) "Eligible transportee" means a public school pupil who:

(a) is 5 years of age or older and has not reached the age of 21 on or before September 10 of the current school year or who is a preschool child with a disability between the ages of 3 and 6;

(b) is a resident of the state of Montana;

(c) regardless of district and county boundaries:

(i) resides at least 3 miles, over the shortest practical route, from the nearest operating public elementary school or public high school, whichever the case may be; or

(ii) has transportation identified as a related service in an individualized education program as developed and implemented in accordance with the Individuals With Disabilities Education Act, 20 U.S.C. 1400, et seq.; and

(d) is considered to reside with a parent or guardian who maintains legal residence within the boundaries of the district furnishing the transportation regardless of where the eligible transportee actually lives when attending school.

(3) "Passenger seating position" means, as defined in 49 CFR 571.222, the space on a school bus allocated for one passenger.

(4) (a) "School bus" means, except as provided in subsection (4)(b), any motor vehicle that:  
~~——(i) complies with the bus standards established by the board of public education as verified by the department of justice's semiannual inspection of school buses and the superintendent of public instruction; and~~

~~——(ii) is owned by a district or other public agency and operated for the transportation of pupils to or from school or owned by a carrier under contract with a district or public agency to provide transportation of pupils to or from school.~~

(b) A school bus does not include a vehicle that is:

(i) privately owned and not operated for compensation under this title;

(ii) privately owned and operated for reimbursement under 20-10-142;

(iii) either district-owned or privately owned, designed to carry not more than nine passengers, and used to transport pupils to or from activity events or to transport pupils to their homes in case of illness or other emergency

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situations; or

(iv) an over-the-road passenger coach used only to transport pupils to activity events.

(5) "Transportation" means:

(a) a district's conveyance of a pupil by a school bus between the pupil's legal residence or an officially designated bus stop and the school designated by the trustees for the pupil's attendance; or

(b) "individual transportation" by which a district is relieved of actually conveying a pupil. Individual transportation may include paying the parent or guardian for conveying the pupil, reimbursing the parent or guardian for the pupil's board and room, or providing supervised correspondence study or supervised home study.

(6) "Transportation service area" means the geographic area of responsibility for school bus transportation for each district that operates a school bus transportation program."

**Insert: "Section 4.** Section 20-10-132, MCA, is amended to read:

**"20-10-132. Duties of county transportation committee.** (1) It is the duty of the county transportation committee to:

(a) establish the transportation service areas within the county, without regard to district boundary lines, for each district that operates a school bus transportation program;

(b) except as provided in subsection (2), approve, disapprove, or adjust the school bus routes submitted by the trustees of each district in conformity with the transportation service areas established in subsection (1)(a);

(c) approve, disapprove, or adjust applications, approved by the trustees, for increased reimbursements for individual transportation because of isolated conditions of the eligible transportee's residence;

(d) conduct hearings to establish the facts of transportation controversies that have been appealed from the decision of the trustees and act on the appeals on the basis of the facts established at the hearing; ~~and~~

(e) determine if geographic conditions make it impractical for a child to attend school in the district of residence, in accordance with 20-5-321(1)(b); and

(f) approve, disapprove, or adjust districts' requests for state and county transportation aid for school bus trips approved and submitted as provided in [section 1].

(2) In an emergency situation, a temporary bus route change may be approved by the county superintendent. A bus route change approved by the county superintendent must be confirmed by the county transportation committee within 30 days in order to be continued for a period longer than 30 days.

(3) When the county transportation committee reviews a request for a new bus route or a change to an existing route, the committee shall consider the following:

(a) a map of the existing and proposed bus route;

(b) a description of turnarounds;

(c) conditions affecting safety;

(d) the total mileage and change in mileage of the affected bus route;

(e) the approximate total cost;

(f) reasons for the proposed bus route change;

(g) the number of children to be served;

(h) a copy of the official minutes of the meeting at which the school trustees approved the new bus route or route change; and

(i) any other information that the county transportation committee considers relevant.

(4) When an application for increased reimbursement for individual transportation is presented to the county transportation committee, it must include a signed individual transportation contract and a copy of the official minutes of the meeting at which the trustees acted upon the request for increased reimbursement.

(5) When the county transportation committee reviews a district's request for mileage reimbursement for a trip as provided in [section 1], the committee shall consider the following:

(a) a description of the purpose of the trip;

(b) the mileage of the trip;

(c) the size of bus used and the number of students and adults who rode;

(d) the total of state and county transportation aid to be claimed; and

(e) any other information that the committee considers relevant.

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~~(5)~~(6) After a factfinding hearing and decision on a transportation controversy, the trustees or a patron of the district may appeal the decision to the superintendent of public instruction who shall issue a decision on the basis of the facts established at the county transportation committee hearing.""

**Insert:** "Section 5. Section 20-10-141, MCA, is amended to read:

**"20-10-141. Schedule of maximum reimbursement by mileage rates.** (1) The mileage rates in subsection (2) for school transportation constitute the maximum reimbursement to districts for school transportation from state and county sources of transportation revenue under the provisions of 20-10-145 and 20-10-146 and for trips authorized under [section 1]. These rates may not limit the amount that a district may budget in its transportation fund budget in order to provide for the estimated and necessary cost of school transportation and costs of busing for trips authorized under [section 1] during the ensuing school fiscal year. All bus miles traveled on bus routes approved by the county transportation committee are reimbursable. Nonbus mileage is reimbursable for a vehicle driven by a bus driver to and from an overnight location of a school bus when the location is more than 10 miles from the school. A district may approve additional bus or nonbus miles within its own district or approved service area but may not claim reimbursement for the mileage. Any vehicle, the operation of which is reimbursed for bus mileage under the rate provisions of this schedule, must be a school bus, as defined by this title, driven by a qualified driver on a bus route, field trip, or trip for school-related athletics or activities approved by the county transportation committee and the superintendent of public instruction.

(2) (a) The rate for each bus mile traveled must be determined in accordance with the following schedule:

(i) 95 cents for a school bus with a rated capacity of not more than 49 passenger seating positions;

(ii) \$1.15 for a school bus with a rated capacity of 50 to 59 passenger seating positions;

(iii) \$1.36 for a school bus with a rated capacity of 60 to 69 passenger seating positions;

(iv) \$1.57 for a school bus with a rated capacity of 70 to 79 passenger seating positions; and

(v) \$1.80 for a school bus with 80 or more passenger seating positions.

(b) Nonbus mileage, as provided in subsection (1), must be reimbursed at a rate of 50 cents a mile.

(3) The rated capacity is the number of passenger seating positions of a school bus as determined under the policy adopted by the board of public education. If modification of a school bus to accommodate pupils with disabilities reduces the rated capacity of the bus, the reimbursement to a district for pupil transportation is based on the rated capacity of the bus prior to modification.

(4) The number of pupils riding the school bus may not exceed the passenger seating positions of the bus.""

**Renumber:** subsequent sections

6. Page 3, line 23.

**Following:** "transportation"

**Insert:** "fund"

**Following:** "contracts"

**Insert:** "and requests for transportation aid"

7. Page 4, line 6.

**Following:** "include"

**Insert:** "in the transportation fund budget:

(a)"

8. Page 4, line 8.

**Strike:** "(a)"

**Insert:** "(i)"

9. Page 4, line 10.

**Strike:** "(b)"

**Insert:** "(ii)"

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10. Page 4, line 12.

**Strike:** "(c)"

**Insert:** "(iii)"

11. Page 4, line 18 through line 19.

**Strike:** line 18 through line 19

12. Page 4.

**Following:** line 19

**Insert:** "(b) costs of busing for trips in accordance with [section 1]."

13. Page 4, line 20.

**Strike:** "(4)"

**Insert:** "(3)"

14. Page 4, line 22.

**Strike:** "(5)"

**Insert:** "(4)"

15. Page 4, line 25.

**Following:** "send"

**Insert:** "to the county superintendent"

**Following:** "copies of"

**Insert:** ":

(a)"

16. Page 4, line 26.

**Strike:** "to the county superintendent"

17. Page 4.

**Following:** line 27

**Insert:**

"(b) approved requests for mileage reimbursement for trips provided under [section 1]."

18. Page 4, line 28.

**Insert:** "**Section 7.** Section 20-10-144, MCA, is amended to read:

**"20-10-144. Computation of revenue and net tax levy requirements for district transportation fund budget.** Before the second Monday of August, the county superintendent shall compute the revenue available to finance the transportation fund budget of each district. The county superintendent shall compute the revenue for each district on the following basis:

(1) The "schedule amount" of the budget expenditures that is derived from the rate schedules in 20-10-141 and 20-10-142 must be determined by adding the following amounts:

(a) the sum of the maximum reimbursable expenditures for all approved school bus routes maintained by the district (to determine the maximum reimbursable expenditure, multiply the applicable rate for each bus mile by the total number of miles to be traveled during the ensuing school fiscal year on each bus route approved by the county transportation committee and maintained by the district); plus

(b) the total of all individual transportation per diem reimbursement rates for the district as determined from the contracts submitted by the district multiplied by the number of pupil-instruction days scheduled for the ensuing school attendance year; plus

(c) any estimated costs for supervised home study or supervised correspondence study for the ensuing school

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fiscal year; plus

(d) the amount budgeted in the budget for the contingency amount permitted in 20-10-143, except if the amount exceeds 10% of the total of subsections (1)(a), (1)(b), and (1)(c) or \$100, whichever is larger, the contingency amount on the budget must be reduced to the limitation amount and used in this determination of the schedule amount; plus

(e) any estimated costs for transporting a child out of district when the child has mandatory approval to attend school in a district outside the district of residence; plus

(f) the sum of the maximum reimbursable mileage for each trip approved, as provided in [section 1], multiplied by the applicable rate per bus mile according to the schedule in 20-10-141 for the ensuing year for each trip approved by the county transportation committee for the ensuing school year.

(2) (a) The schedule amount determined in subsection (1) or the total transportation fund budget, whichever is smaller, is divided by 2 and is used to determine the available state and county revenue to be budgeted on the following basis:

(i) one-half is the budgeted state transportation reimbursement; and

(ii) one-half is the budgeted county transportation fund reimbursement and must be financed in the manner provided in 20-10-146.

(b) When the district has a sufficient amount of fund balance for reappropriation and other sources of district revenue, as determined in subsection (3), to reduce the total district obligation for financing to zero, any remaining amount of district revenue and fund balance reappropriated must be used to reduce the county financing obligation in subsection (2)(a)(ii) and, if the county financing obligations are reduced to zero, to reduce the state financial obligation in subsection (2)(a)(i).

(c) The county revenue requirement for a joint district, after the application of any district money under subsection (2)(b), must be prorated to each county incorporated by the joint district in the same proportion as the ANB of the joint district is distributed by pupil residence in each county.

(3) The total of the money available for the reduction of property tax on the district for the transportation fund must be determined by totaling:

(a) anticipated federal money received under the provisions of 20 U.S.C. 7701, et seq., or other anticipated federal money received in lieu of that federal act;

(b) anticipated payments from other districts for providing school bus transportation services for the district;

(c) anticipated payments from a parent or guardian for providing school bus transportation services for a child;

(d) anticipated or reappropriated interest to be earned by the investment of transportation fund cash in accordance with the provisions of 20-9-213(4);

(e) anticipated revenue from coal gross proceeds under 15-23-703;

(f) anticipated oil and natural gas production taxes;

(g) anticipated local government severance tax payments for calendar year 1995 production;

(h) anticipated transportation payments for out-of-district pupils under the provisions of 20-5-320 through 20-5-324;

(i) school district block grants distributed under 20-9-630;

(j) any other revenue anticipated by the trustees to be earned during the ensuing school fiscal year that may be used to finance the transportation fund; and

(k) any fund balance available for reappropriation as determined by subtracting the amount of the end-of-the-year fund balance earmarked as the transportation fund operating reserve for the ensuing school fiscal year by the trustees from the end-of-the-year fund balance in the transportation fund. The operating reserve may not be more than 20% of the final transportation fund budget for the ensuing school fiscal year and is for the purpose of paying transportation fund warrants issued by the district under the final transportation fund budget.

(4) The district levy requirement for each district's transportation fund must be computed by:

(a) subtracting the schedule amount calculated in subsection (1) from the total preliminary transportation budget amount; and

(b) subtracting the amount of money available to reduce the property tax on the district, as determined in subsection (3), from the amount determined in subsection (4)(a).

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(5) The transportation fund levy requirements determined in subsection (4) for each district must be reported to the county commissioners on the fourth Monday of August by the county superintendent as the transportation fund levy requirements for the district, and the levy must be made by the county commissioners in accordance with 20-9-142."

**Insert: "Section 8.** Section 20-10-145, MCA, is amended to read:

**"20-10-145. State transportation reimbursement.** (1) A district providing school bus transportation ~~or~~<sup>or</sup> individual transportation, or trips approved under [section 1] in accordance with this title, board of public education transportation policy, and superintendent of public instruction transportation rules must receive a state reimbursement of its transportation expenditures under the transportation reimbursement rate provisions of 20-10-141 and 20-10-142. The state transportation reimbursement is one-half of the reimbursement amounts established in 20-10-141 and 20-10-142 or one-half of the district's transportation fund budget, whichever is smaller, and must be computed on the basis of the number of days the transportation services were actually rendered, not to exceed 180 pupil-instruction days. In determining the amount of the state transportation reimbursement, an amount claimed by a district may not be considered for reimbursement unless the amount has been paid in the regular manner provided for the payment of other financial obligations of the district.

(2) Requests for the state transportation reimbursement must be made by each district semiannually during the school fiscal year on the claim forms and procedure promulgated by the superintendent of public instruction. The claims for state transportation reimbursements must be routed by the district to the county superintendent, who after reviewing the claims shall send them to the superintendent of public instruction. The superintendent of public instruction shall establish the validity and accuracy of the claims for the state transportation reimbursements by determining compliance with this title, board of public education transportation policy, and the transportation rules of the superintendent of public instruction. After making any necessary adjustments to the claims, the superintendent of public instruction shall order a disbursement from the state money appropriated by the legislature of the state of Montana for the state transportation reimbursement. The payment of all the district's claims within one county must be made to the county treasurer of the county, and the county superintendent shall apportion the payment in accordance with the apportionment order supplied by the superintendent of public instruction.

(3) After adopting a budget amendment for the transportation fund in accordance with 20-9-161 through 20-9-166, the district shall send to the superintendent of public instruction a copy of each new or amended individual transportation contract and each new or amended bus route form to which the budget amendment applies. State reimbursement for the additional obligations must be paid as provided in subsection (1).

(4) Semiannual claims submitted by the district must include claims for mileage reimbursements for trips that were conducted in the current school year and approved under [section 1]."

**Insert: "Section 9.** Section 20-10-146, MCA, is amended to read:

**"20-10-146. County transportation reimbursement.** (1) The apportionment of the county transportation reimbursement by the county superintendent for school bus transportation ~~or~~<sup>or</sup> individual transportation, and trips approved under [section 1] that ~~is~~<sup>are</sup> actually rendered by a district in accordance with this title, board of public education transportation policy, and the transportation rules of the superintendent of public instruction must be the same as the state transportation reimbursement payment, except that:

(a) if any cash was used to reduce the budgeted county transportation reimbursement under the provisions of 20-10-144(2)(b), the annual apportionment is limited to the budget amount;

(b) when the county transportation reimbursement for a school bus has been prorated between two or more counties because the school bus is conveying pupils of more than one district located in the counties, the apportionment of the county transportation reimbursement must be adjusted to pay the amount computed under the proration; and

(c) when county transportation reimbursement is required under the mandatory attendance agreement provisions of 20-5-321.

(2) The county transportation net levy requirement for the financing of the county transportation fund reimbursements to districts is computed by:

(a) totaling the net requirement for all districts of the county, including reimbursements to a special education cooperative or prorated reimbursements to joint districts or reimbursements under the mandatory attendance agreement

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provisions of 20-5-321;

(b) determining the sum of the money available to reduce the county transportation net levy requirement by adding:

(i) anticipated money that may be realized in the county transportation fund during the ensuing school fiscal year;

(ii) oil and natural gas production taxes;

(iii) anticipated local government severance tax payments for calendar year 1995 production;

(iv) coal gross proceeds taxes under 15-23-703;

(v) countywide school transportation block grants distributed under 20-9-632;

(vi) any fund balance available for reappropriation from the end-of-the-year fund balance in the county transportation fund;

(vii) federal forest reserve funds allocated under the provisions of 17-3-213; and

(viii) other revenue anticipated that may be realized in the county transportation fund during the ensuing school fiscal year; and

(c) subtracting the money available, as determined in subsection (2)(b), to reduce the levy requirement from the county transportation net levy requirement.

(3) The net levy requirement determined in subsection (2)(c) must be reported to the county commissioners on the fourth Monday of August by the county superintendent, and a levy must be set by the county commissioners in accordance with 20-9-142.

(4) The county superintendent of each county shall submit a report of the revenue amounts used to establish the levy requirements to the superintendent of public instruction not later than the second Monday in September. The report must be completed on forms supplied by the superintendent of public instruction.

(5) The county superintendent shall apportion the county transportation reimbursement from the proceeds of the county transportation fund. The county superintendent shall order the county treasurer to make the apportionments in accordance with 20-9-212(2) and after the receipt of the semiannual state transportation reimbursement payments.""

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**FINANCE AND CLAIMS** (Schmidt, Chairman):

2/15/2007

**SB 118**, do pass. Report adopted.

**SB 127**, do pass. Report adopted.

**SB 79**, introduced bill, be amended as follows:

1. Title, line 6.

**Strike:** "ELIMINATING THE LONG-RANGE BUILDING PROGRAM ACCOUNT;"

2. Title, line 8.

**Strike:** "AN INTERNAL SERVICE FUND"

**Insert:** "BUILDING MAINTENANCE RATES"

3. Title, line 9.

**Following:** "MAINTENANCE;"

**Insert:** "PROVIDING A FUND TRANSFER;"

**Strike:** "2-17-811,"

**Following:** "16-11-119,"

**Insert:** "17-7-123, 17-7-205,"

4. Title, line 10.

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**Strike:** "SECTION 17-7-205, MCA, AND"

5. Title, line 11.

**Following:** "PROVIDING"

**Insert:** "EFFECTIVE DATES AND"

6. Page 1, lines 15 through 25.

**Strike:** section 1 in its entirety

**Renumber:** subsequent sections

7. Page 4, line 24.

**Insert:** "Section 3. Section 17-7-123, MCA, is amended to read:

**"17-7-123. Form of executive budget.** (1) The budget submitted must set forth a balanced financial plan for funds subject to appropriation and enterprise funds that transfer profits to the general fund or to accounts subject to appropriation for each accounting entity and for the state government for each fiscal year of the ensuing biennium. The base level plan must consist of:

(a) a consolidated budget summary setting forth the aggregate figures of the budget in a manner that shows a balance between the total proposed disbursements and the total anticipated receipts, together with the other means of financing the budget for each fiscal year of the ensuing biennium, contrasted with the corresponding figures for the last-completed fiscal year and the fiscal year in progress. The consolidated budget summary must be supported by explanatory schedules or statements.

(b) budget and full-time equivalent personnel position comparisons by agency, program, and appropriated funds for the current and subsequent biennium;

(c) the departmental mission and a statement of goals and objectives for the department;

(d) base budget disbursements for the completed fiscal year of the current biennium, estimated comparable disbursements for the current fiscal year, and the proposed present law base budget plus new proposals, if any, for each department and each program of the department;

(e) a statement containing recommendations of the governor for the ensuing biennium by program and disbursement category, including:

(i) explanations of appropriation and revenue measures included in the budget that involve policy changes;

(ii) matters not included as a part of the budget bill but included as a part of the executive budget, such as the state employee pay plan, programs funded through separate appropriations measures, and other matters considered necessary for comprehensive public and legislative consideration of the state budget; and

(iii) a summary of budget requests that include proposed expenditures on information technology resources.

The summary must include funding, program references, and a decision package reference;

(f) a report on:

(i) enterprise funds not subject to the requirements of subsections (1)(a) through (1)(e), including retained earnings and contributed capital, projected operations and charges, and projected fund balances; and

(ii) fees and charges in the internal service fund type and capital projects fund type, including changes in the level of fees and charges, projected use of the fees and charges, and projected fund balances. Fees and charges in the internal service fund type must be approved by the legislature in the general appropriations act. Fees and charges in a biennium may not exceed the level approved by the legislature in the general appropriations act effective for that biennium.

(g) any other financial or budgetary material agreed to by the budget director and the legislative fiscal analyst.

(2) The statement of departmental goals and objectives and the schedule for each fund required in 17-7-111(3)(b) of the executive budget are not required to be printed but must be available in the office of budget and program planning and on the internet.""

**Insert:** "Section 4. Section 17-7-205, MCA, is amended to read:

**"17-7-205. Long-range building program account.** (1) There is a long-range building program account



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in the capital projects fund type.

~~(2) Cigarette tax revenue deposited in the account pursuant to 16-11-119 must be obligated prior to obligating other funds in the account.~~

~~(3) Coal severance taxes allocated to the account under 15-35-108 may be appropriated for the long-range building program or debt service payments on building projects. Coal severance taxes required for general obligation bond debt service may be transferred to the debt service fund.~~

~~(2)~~ Money must be deposited in the account from the rates assessed pursuant to 17-7-206.

~~(4)(3)~~ Interest earnings, project carryover funds, administrative fees, and miscellaneous revenue must be retained in the account.""

**Renumber:** subsequent sections

8. Page 4, line 29.

**Following:** "maintenance."

**Insert:** "The amount appropriated for maintenance must be deposited in the long-range building account for use in future maintenance."

9. Page 5, lines 5 and 6.

**Following:** "buildings." on line 5

**Strike:** remainder of line 5 through line 6 in its entirety

10. Page 5, line 7.

**Strike:** "There is an internal service fund for building maintenance."

11. Page 5, line 8.

**Following:** "agencies"

**Insert:** "annual"

**Following:** "rates"

**Insert:** ", payable from the general fund,"

**Following:** "occupancy of"

**Insert:** "certain"

12. Page 5, line 13.

**Strike:** "subsections"

**Insert:** "subsection"

**Strike:** "and (4)(c)"

**Following:** "(4)(c)."

**Insert:** "The department shall establish rates for all long-range building program-eligible buildings for which all maintenance is administered by the department."

13. Page 5, line 14.

**Strike:** "2007"

**Insert:** "2009"

14. Page 5, lines 27 through 30.

**Strike:** subsection (c) in its entirety

15. Page 6, line 24.

**Insert:** "NEW SECTION. Section 8. Fund transfer. There is transferred to the long-range building capital projects account from the state general fund \$7.15 million on July 1, 2007, and July 1, 2008."

**Renumber:** subsequent sections

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16. Page 6, line 25.

**Strike:** "17-7-205, MCA, and section"

17. Page 6, line 26.

**Strike:** "are"

**Insert:** "is"

18. Page 6, line 30.

**Insert:** "NEW SECTION. Section 11. Effective dates. (1) Except as provided in subsection (2), [this act] are effective July 1, 2009.

(2) [Section 8] is effective July 1, 2007."

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**JUDICIARY** (Laslovich, Chairman):

2/15/2007

**SB 41**, do pass. Report adopted.

**SB 300**, do pass. Report adopted.

**SB 363**, do pass. Report adopted.

**PUBLIC HEALTH, WELFARE AND SAFETY** (Weinberg, Chairman):

2/15/2007

**SB 93**, do pass. Report adopted.

**SB 368**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Following:** "GROUP;"

**Insert:** "PROVIDING GUIDELINES FOR QUALITY ASSURANCE REVIEWS;"

2. Page 3, following line 2.

**Insert:** "NEW SECTION. Section 5. Medical practice group quality assurance guidelines -- reviews. (1) Reviews conducted by a medical practice group under this part must comply with the following guidelines:

(a) A random review is a review of at least 10 randomly selected patient charts, which must be reviewed by a quality assurance committee of the medical practice group. The committee may gather data from any source for purposes of the review. The committee shall submit an evaluation report to the medical practice group outlining the review findings and recommending changes if changes are determined necessary.

(b) A focused review is intended for specific clinical and quality improvement purposes, such as:

(i) reviewing patient medical records relating to a certain disease or procedural category for purposes of comparing documented treatment to available and current standards of medical care;

(ii) assessing the efficacy and efficiency of an office procedure or process related to clinical care; or

(iii) reviewing office and clinical practices prompted by an analysis and results of incident reports.

(c) An incident review performed by a medical practice group quality assurance committee is for purposes of gathering data, investigating, conducting analysis, coordinating all responses, and recommending and initiating corrective action as necessary, connected with a specific incident involving the delivery of medical care to a patient of the medical practice group.

(2) Reviews conducted by a medical practice group under this part must be based on appropriateness, medical necessity, adequacy of documentation, and efficiency of services. The physician being reviewed must be immediately advised of the findings of the committee to further the educational process for the physician. The medical practice group is responsible for documenting any corrective action that is taken and any policies, procedures, or clinical processes that are changed, who is responsible for implementing the changes, and how the medical practice group will ensure that the changes are made.

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(3) All data relating to quality assurance committee activities under this part must be maintained in a confidential location separate from patient medical records.

(4) A medical practice group may and a group of five or fewer medical providers shall contract with a group or organization composed of persons licensed to practice a health care profession or with a nonprofit corporation engaged in performing the functions of a peer review committee, medical ethics review committee, or professional standards review committee for purposes of conducting any review allowed under this part."

**Insert:** "NEW SECTION. Section 6. Codification instruction. [Section 5] is intended to be codified as an integral part of Title 50, chapter 16, part 2, and the provisions of Title 50, chapter 16, part 2, apply to [section 5]."

And, as amended, do pass. Report adopted.

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Cocchiarella, Chairman):  
**SB 355**, introduced bill, be amended as follows:

2/15/2007

1. Page 1, line 14.

**Strike:** "subsections"

**Insert:** "subsection"

**Following:** "(2)"

**Strike:** "and (3)(b)"

2. Page 1, line 18.

**Following:** "institution"

**Insert:** "or educational service agency"

3. Page 1, line 24.

**Following:** ";"

**Insert:** "or"

4. Page 1, line 28.

**Strike:** "; or"

**Insert:** "."

5. Page 1, line 29 through line 30.

**Strike:** subsection (c) in its entirety

6. Page 2, line 1.

**Following:** "~~must~~"

**Insert:** "or educational service agency"

7. Page 2, line 9 through line 10.

**Strike:** "denial" on line 9 through "seq" on line 10

**Insert:** "the school district provides alternative work at the employee's regular wage that provides a paycheck at least equivalent to the unemployment benefits for which the individual otherwise would be eligible."

(4) If an individual is denied benefits and was not offered an opportunity to perform the services for the educational institution or educational service agency for the second of the academic years or terms, the individual is entitled to a retroactive payment of the benefits for each week for which the individual filed a timely claim for benefits and for which benefits were denied solely by reason of the denial provided for in this section"

**Renumber:** subsequent subsection

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And, as amended, do pass. Report adopted.

**JUDICIARY** (Laslovich, Chairman): 2/15/2007  
**SB 306**, do pass. Report adopted.  
**SJR 6**, be adopted. Report adopted.

**NATURAL RESOURCES AND ENERGY** (Lind, Chairman): 2/15/2007  
**SB 19**, do pass. Report adopted.

**SB 218**, introduced bill, be amended as follows: 2/15/2007

1. Page 1, line 9 through line 20.

**Strike:** line 9 through line 20 in their entirety

2. Page 1, line 24.

**Strike:** "and 2"

**Insert:** "through 4"

3. Page 1, line 26.

**Following:** "(2)"

**Insert:** "(a)"

4. Page 1.

**Following:** line 27

**Insert:** "(b) The term does not include a well regulated under Title 82, chapter 11, in which carbon dioxide is injected for the purpose of enhancing the recovery of oil and gas."

5. Page 2, line 10.

**Following:** "The board shall"

**Insert:** "hire a consultant to assist in developing rules, and after consulting with the board of oil and gas conservation and the department of natural resources and conservation, the board shall"

6. Page 2, line 11.

**Strike:** "and 2"

**Insert:** "through 4"

7. Page 2, line 26.

**Following:** "furnishing"

**Strike:** "and"

**Insert:** ", "

**Following:** "updating"

**Insert:** ", and release"

8. Page 2, line 27.

**Strike:** "and 2"

**Insert:** "through 4"

9. Page 3, line 1.

**Strike:** "and 2"

**Insert:** "through 4"

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10. Page 3, line 2.

**Following:** "fines of"

**Insert:** "\$75 a day"

11. Page 3, line 2 through line 3.

**Following:** "a day" on line 2

**Strike:** "from the" on line 2 through "established" on line 3

**Insert:** "for each violation of any rule or order of the board or a provision of this section. Each day of violation constitutes a separate violation"

12. Page 3, line 4.

**Following:** line 3

**Insert:** "NEW SECTION. Section 3. Fees and penalties. Any fees or penalties collected pursuant to rules adopted under [section 2] must be deposited in the state special revenue fund provided for in 17-2-102 for use by the department of environmental quality to administer [sections 1 through 4]."

**Insert:** "NEW SECTION. Section 4. Coordination with board of oil and gas conservation. (1) A well regulated under Title 82, chapter 11, in which carbon dioxide is injected for the purpose of enhancing the recovery of oil and gas may be converted to a carbon dioxide sequestration well.

(2) The board shall coordinate the development of rules with the board of oil and gas conservation with regard to the conversion of wells referred to in subsection (1) to carbon dioxide sequestration wells.

(3) Wells converted to carbon dioxide sequestration wells pursuant to this section are subject to rules adopted under [section 2]."

**Renumber:** subsequent section

13. Page 3, line 5.

**Strike:** "and 2"

**Insert:** "through 4"

14. Page 3, line 6.

**Strike:** "and 2"

**Insert:** "through 4"

And, as amended, do pass. Report adopted.

**SB 442**, introduced bill, be amended as follows:

1. Page 1, line 19.

**Following:** "minerals"

**Insert:** "or materials"

And, as amended, do pass. Report adopted.

**SB 446**, do pass. Report adopted.

**PUBLIC HEALTH, WELFARE AND SAFETY** (Weinberg, Chairman):

2/15/2007

**SJR 5**, be adopted. Report adopted.

**STATE ADMINISTRATION** (Squires, Chairman):

2/15/2007

**SB 341**, do pass. Report adopted.

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**SB 374**, introduced bill, be amended as follows:

1. Title, line 5.

**Strike:** "WHO IS STATIONED OVERSEAS"

2. Page 1, line 17 through line 18.

**Following:** "elector" on line 17

**Strike:** "who" through "election" on line 18

3. Page 2, line 23 through line 24.

**Following:** "elector" on line 23

**Strike:** "who" through "election" on line 24

And, as amended, do pass. Report adopted.

**SJR 6**, be adopted. Report adopted.

**TAXATION** (Elliott, Chairman):

2/15/2007

**SB 403**, do pass. Report adopted.

**SB 430**, do pass. Report adopted.

**HB 44**, be concurred in. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

**House bills** passed and transmitted to the Senate for concurrence:

2/14/2007

**HB 112**, introduced by Arntzen

**House bill** passed and transmitted to the Senate for concurrence:

2/14/2007

**HB 235**, introduced by Dutton

**House bill** passed and transmitted to the Senate for concurrence:

2/14/2007

**HB 299**, introduced by Milburn

**House bill** passed and transmitted to the Senate for concurrence:

2/14/2007

**HB 337**, introduced by Cohenour

**House bill** passed and transmitted to the Senate for concurrence:

2/14/2007

**HB 351**, introduced by Sinrud

**House bill** passed and transmitted to the Senate for concurrence:

2/14/2007

**HB 371**, introduced by Sonju

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**House bill** passed and transmitted to the Senate for concurrence: 2/14/2007

**HB 414**, introduced by Reinhart

**House bill** passed and transmitted to the Senate for concurrence: 2/14/2007

**HB 490**, introduced by French

**House bill** passed and transmitted to the Senate for concurrence: 2/14/2007

**HB 510**, introduced by Stahl

**MOTIONS**

**SEN. VICKI COCCHIARELLA, SD 47, MISSOULA** moved **SB 489** be re-referred to Business, Labor and Economic Affairs Committee. Motion carried.

**SEN. DON RYAN, SD 10, GREAT FALLS** moved to change his vote from "yes" to "no" on **SB 319**. Motion carried.

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 496**, introduced by Curtiss, Jackson, Heinert, Everett, McGee, Vincent, Kasten, W. Jones, Stahl, Sonju, Hendrick, Barkus, referred to Taxation.

**SB 497**, introduced by Moss, Williams, Juneau, Schmidt, Gillan, Curtiss, Kaufmann, Squires, Cocchiarella, referred to State Administration.

**SB 498**, introduced by Kaufmann, referred to Public Health, Welfare and Safety.

**SB 499**, introduced by Kaufmann, referred to Public Health, Welfare and Safety.

**SB 500**, introduced by Kaufmann, referred to Public Health, Welfare and Safety.

**SB 501**, introduced by Kaufmann, referred to Public Health, Welfare and Safety.

**SB 502**, introduced by Cooney, referred to State Administration.

**SB 503**, introduced by Perry, Ankney, referred to Local Government.

**SB 504**, introduced by Kaufmann, referred to Public Health, Welfare and Safety.

**SB 505**, introduced by Squires, referred to Public Health, Welfare and Safety.

**SB 506**, introduced by Story, Boggio, Cohenour, Lewis, Cordier, Ankney, Villa, referred to Education and Cultural Resources.

**SB 507**, introduced by Story, referred to Taxation.

**SB 508**, introduced by Hawks, referred to Education and Cultural Resources.

**SB 509**, introduced by Gallus, referred to State Administration.

**SB 510**, introduced by Lind, referred to Public Health, Welfare and Safety.

**SB 511**, introduced by Cooney, referred to Business, Labor, and Economic Affairs.

**SB 512**, introduced by Shockley, Jackson, Balyeat, referred to Judiciary.

**SB 513**, introduced by Moss, referred to Natural Resources and Energy.

The following Senate joint resolutions were introduced, read first time, and referred to committees:

**SJR 14**, introduced by O'Neil, referred to Judiciary.

**SJR 15**, introduced by Gillan, Brown, referred to Public Health, Welfare and Safety.

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**SJR 16**, introduced by Lind, referred to Public Health, Welfare and Safety.

The following Senate resolution was introduced, read first time, and referred to committee:

**SR 7**, introduced by Gebhardt, Jore, Sesso, referred to Taxation.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Schmidt in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 8** - Senator Shockley moved **SB 8** do pass. Motion carried unanimously.

**SB 348** - Senator Gallus moved **SB 348** do pass. Motion carried unanimously.

**SB 422** - Senator Gebhardt moved **SB 422** do pass. Motion carried unanimously.

**SB 318** - Senator J. Peterson moved **SB 318**, second reading copy, be amended as follows:

1. Title, line 6.

**Following:** "TO"

**Insert:** "PRIVATE"

2. Page 1, lines 14 and 15.

**Strike:** "private" on line 14 through "aircraft," on line 15

3. Page 1, line 16.

**Following:** "expeditions."

**Insert:** "The term includes the private, noncommercial flying of aircraft in relation to private land."

4. Page 1, line 28.

**Following:** "areas"

**Insert:** "on private land"

5. Page 2, line 2.

**Following:** "AIRCRAFT"

**Insert:** "at an airstrip"

6. Page 2, line 26.

**Following:** "areas"

**Insert:** "on private land"

7. Page 2, line 30.

**Following:** "AIRCRAFT"

**Insert:** "at an airstrip"



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8. Page 3, line 16 through line 18.

**Strike:** section 3 in its entirety

**Renumber:** subsequent section

Amendment adopted with Senator Laslovich voting nay.

**SB 318** - Senator J. Peterson moved **SB 318**, as amended, do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kitzenberg, Laible, Larson, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Weinberg, Williams.

Total 44

Nays: Gallus, Kaufmann, Laslovich, Squires, Wanzenried, Mr. President.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 75** - Senator Hawks moved **SB 75** do pass. Motion carried with Senator Esp voting nay.

**HB 333** - Senator Larson moved **HB 333** be concurred in. Motion carried with Senator Lind, McGee voting nay.

**SB 241** - Senator Cobb moved **SB 241**, second reading copy, be amended as follows:

1. Page 1, line 16.

**Following:** "this section"

**Insert:** ", except as provided in 82-11-123(4)"

2. Page 2.

**Strike:** line 21 through line 22 in their entirety

Amendment adopted unanimously.

**SB 241** - Senator Kaufmann moved **SB 241**, as amended, do pass. Motion **failed** as follows:

Yeas: Cobb, Gallus, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Lind, Moss, Schmidt, Squires, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 17

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Gillan, Jackson, Kitzenberg, Laible, Larson, Laslovich, Lewis, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, J.Tropila.

Total 33

Absent or not voting: None.

Total 0

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Excused: None.  
Total 0

**SB 241** - Senator Black moved **SB 241** be **indefinitely postponed**. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Jackson, Kitzenberg, Laible, Larson, Lewis, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Shockley, Stapleton, Steinbeisser, Story, Tash, J.Tropila.  
Total 30

Nays: Cobb, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Laslovich, Lind, Moss, Schmidt, Smith, Squires, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 20

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 258** - Senator Shockley moved **SB 258** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Jent, Laible, Larson, Lewis, Lind, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 27

Nays: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Kitzenberg, Laslovich, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 23

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Schmidt moved the Committee of the Whole report be adopted. Report adopted unanimously.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 270** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible,

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Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: Ryan.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 285** passed as follows:

Yeas: Bales, Balyeat, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Williams, Mr. President.

Total 46

Nays: Barkus, Esp, Ryan, Weinberg.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 364** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 367** passed as follows:

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Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 287** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: Curtiss.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 319** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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**SB 291** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: Esp.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 12:30 p.m., Friday, February 16, 2007. Motion carried.

Senate adjourned at 3:02 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

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THIRTY-FIFTH LEGISLATIVE DAY**

Helena, Montana  
February 16, 2007

Senate Chambers  
State Capitol

Senate convened at 12:30 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. Senators Larson, Cobb excused. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 42

Nays: Balyeat, Esp, Gebhardt, Jackson, O'Neil, Shockley.  
Total 6

Absent or not voting: None.  
Total 0

Excused: Cobb, Larson.  
Total 2

**REPORTS OF STANDING COMMITTEES**

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Cocchiarella, Chairman):  
SB 321, introduced bill, be amended as follows:

2/16/2007

1. Page 1, line 9.

**Strike:** "61"

**Insert:** "56"

2. Page 1, line 12.

**Strike:** "61"

**Insert:** "56"

3. Page 1, line 26.

**Strike:** "61"

**Insert:** "56"

4. Page 2, line 14.

**Strike:** "commerce"

**Insert:** "administration"

**Strike:** "2-15-1801"

**Insert:** "2-15-1001"

5. Page 2, line 20.

**Strike:** "61"

**Insert:** "56"

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6. Page 2, line 21.

**Strike:** "61"

**Insert:** "56"

7. Page 3, line 2.

**Strike:** "61"

**Insert:** "56"

8. Page 3, line 17.

**Strike:** "61"

**Insert:** "56"

9. Page 3, line 30.

**Strike:** "61"

**Insert:** "56"

10. Page 4, line 2.

**Strike:** "61"

**Insert:** "56"

11. Page 4, line 3.

**Strike:** "61"

**Insert:** "56"

12. Page 4, line 5.

**Strike:** "61"

**Insert:** "56"

13. Page 4, line 7.

**Strike:** "61"

**Insert:** "56"

14. Page 4, line 8.

**Strike:** "61"

**Insert:** "56"

15. Page 5, line 15.

**Strike:** "61"

**Insert:** "56"

16. Page 5, line 17.

**Strike:** "a crime"

**Insert:** "any felony or a misdemeanor"

17. Page 5, line 30.

**Strike:** "53"

**Insert:** "50"

18. Page 6, line 16.

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**Strike:** "61"

**Insert:** "56"

19. Page 7, line 19.

**Strike:** subsection (2) in its entirety

**Renumber:** subsequent subsections

20. Page 7, line 28.

**Strike:** "61"

**Insert:** "56"

21. Page 7, line 29.

**Strike:** "61"

**Insert:** "56"

22. Page 10, line 13.

**Strike:** "61"

**Insert:** "56"

23. Page 10, line 15.

**Strike:** "61"

**Insert:** "56"

24. Page 12, line 14.

**Strike:** "61"

**Insert:** "56"

25. Page 13, line 14.

**Strike:** "61"

**Insert:** "56"

26. Page 13, line 20 through page 14, line 1.

**Strike:** section 30 in its entirety

**Insert:** "NEW SECTION. **Section 30. Investigations -- powers -- failure to comply or testify.** (1) The department may investigate any matter, upon complaint or otherwise, if it appears that a person has engaged or offered to engage in any act or practice that is in violation of any provision of [sections 1 through 56] or any rule adopted or order issued by the department pursuant to [sections 1 through 56].

(2) The department may issue subpoenas to compel the attendance of any witnesses and the production of books, accounts, records, documents, and other evidence in any matter over which the department has jurisdiction, control, or supervision under [sections 1 through 56]. The department may administer an oath or affirmation to any person whose testimony is required.

(3) If a person refuses to obey a subpoena or to give testimony or produce evidence as required by the subpoena, a judge of the district court of Lewis and Clark County or the county in which the licensee's premises are located may, upon application and proof of the refusal, issue a subpoena or subpoena duces tecum for the witness to appear before the department to give testimony and produce evidence as may be required. The clerk of court shall issue the subpoena requiring the person to whom it is directed to appear at the time and place designated in the subpoena.

(4) If a person served with a court-ordered subpoena refuses to obey the subpoena or to give testimony or produce evidence as required by the subpoena, the department may proceed under the contempt provisions of Title 3, chapter 1, part 5.



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(5) Failure to comply with the requirements of a court-ordered subpoena is punishable under 45-7-309."

**Renumber:** subsequent sections

27. Page 14, line 3.

**Following:** "Fees"

**Insert:** "-- special revenue account"

28. Page 14, line 5.

**Strike:** "\$2,500"

**Insert:** "\$5,000"

29. Page 14, line 11.

**Following:** "establish"

**Insert:** "by rule"

30. Page 14.

**Following:** line 17

**Insert:** "(4) Fees collected under this section must be deposited in the special revenue account established in subsection (5).

(5) There is a special revenue account to the credit of the department for use in administering [sections 1 through 56]."

31. Page 15, line 9.

**Strike:** "61"

**Insert:** "56"

32. Page 15, line 13.

**Strike:** "61"

**Insert:** "56"

33. Page 15, line 20.

**Strike:** "61"

**Insert:** "56"

34. Page 15, line 30.

**Strike:** "61"

**Insert:** "56"

35. Page 17, line 28.

**Strike:** "61"

**Insert:** "56"

36. Page 18, line 2 through line 7.

**Strike:** section 41 in its entirety

**Insert:** "NEW SECTION. **Section 41. Injunction -- appointment of receiver.** (1) If in the opinion of the department a person is using, has used, or is about to use any method, act, or practice that violates any provision of [sections 1 through 56] or any rule adopted or order issued by the department pursuant to [sections 1 through 56], the department, upon determining that proceeding would be in the public interest, may bring an action in the name of the state to restrain by temporary or permanent injunction or temporary restraining order the use of the unlawful method, act, or practice.

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(2) The notice for an action pursuant to subsection (1) must state generally the relief sought and must be served at least 20 days before the hearing of the action in which the relief sought is a temporary or permanent injunction. The notice for a temporary restraining order is governed by 27-19-315.

(3) An action under this section may be brought in the district court of Lewis and Clark County.

(4) (a) A district court may issue a temporary or a permanent injunction or a temporary restraining order to restrain and prevent violations of [sections 1 through 56], and an injunction must be issued without bond to the department.

(b) If the department is successful in obtaining an injunction or a restraining order under this section, the department is entitled to reasonable attorney fees and costs.

(5) (a) In addition to all other means provided by law for the enforcement of a restraining order or an injunction, the district court of Lewis and Clark County may impound and appoint a receiver for the property and business of the defendant, including books, accounts, records, and documents pertaining to the property or business, or as much of the property or business as the court considers reasonably necessary to prevent violations of [sections 1 through 56].

(b) The receiver, when appointed and qualified, has the powers and duties conferred by the court that may include custody, collection, administration, winding up of business, and liquidation of the property and business."

**Renumber:** subsequent sections

37. Page 18, line 9 through line 12.

**Strike:** section 42 in its entirety

**Insert:** "NEW SECTION. Section 42. Cease and desist orders. (1) If it appears to the department that a person is engaged in or is about to engage in any act or practice constituting a violation of any provision of [sections 1 through 56] or any rule adopted or order issued by the department pursuant to [sections 1 through 56], the department may issue an order directing the person to cease and desist from continuing the act or practice after reasonable notice and opportunity for hearing. The department may issue a temporary order pending the hearing that:

(a) remains in effect until 10 days after the hearings examiner issues proposed findings of fact and conclusions of law; or

(b) becomes final if the person to whom notice is addressed does not request a hearing within 10 days after receipt of the notice.

(2) A violation of an order issued pursuant to this section is subject to the penalty provisions of [sections 1 through 56]."

**Renumber:** subsequent sections

38. Page 18, line 14 through line 22.

**Strike:** section 43 in its entirety

**Insert:** "NEW SECTION. Section 43. Penalties -- license suspension and revocation -- restitution. (1) If, after providing a 10-day written notice that includes a statement of alleged violations and a notice of an opportunity for a hearing as provided in Title 2, chapter 4, the department finds that any licensee or unlicensed person or any officer, director, partner, trustee, employee, or representative of the licensee or unlicensed person has violated any of the provisions of [sections 1 through 56], has failed to comply with the rules or orders adopted by the department, has failed or refused to make required reports to the department, has furnished false information to the department, or has operated without a license, the department may:

(a) impose a civil penalty not to exceed \$1,000 for each violation or, in the case of a continuing violation, \$1,000 a day;

(b) issue an order revoking or suspending the right of the licensee or person, directly or through an officer, director, partner, trustee, employee, or representative, to do business in this state as a licensee or to engage in the business of a BIDCO; or

(c) issue an order requiring restitution to borrowers and reimbursement of the department's cost in bringing the administrative action.

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(2) All notices, hearing schedules, and orders must be mailed to the licensee or person by certified mail to the address for which the license was issued or, in the case of an unlicensed business, to the last-known address of record.

(3) A revocation, suspension, or surrender of a license does not relieve the licensee from civil or criminal liability for acts committed prior to the revocation, suspension, or surrender of the license.

(4) (a) The department may reinstate any suspended or revoked license if there is not a fact or condition existing at the time of reinstatement that would have justified the department refusing to originally issue the license.

(b) If a license has been revoked for cause, an application may not be made for issuance of a new license or the reinstatement of a revoked license for a period of 6 months from the date of revocation.

(5) All civil penalties collected under this section must be deposited in the general fund."

**Renumber:** subsequent sections

39. Page 18, line 24 through line 30.

**Strike:** section 44 in its entirety

**Renumber:** subsequent sections

40. Page 19, line 5.

**Following:** "and"

**Insert:** "an opportunity for"

41. Page 19, line 6.

**Strike:** "61"

**Insert:** "56"

42. Page 20, line 18.

**Strike:** "61"

**Insert:** "56"

43. Page 20, line 19.

**Strike:** "45"

**Insert:** "44"

44. Page 20, line 22.

**Following:** "section"

**Strike:** "42" through "46"

**Insert:** "44(3) or 45"

45. Page 20, line 24 through line 25.

**Strike:** subsection (2) in its entirety

**Renumber:** subsequent subsections

46. Page 20, line 30.

**Strike:** "61"

**Insert:** "56"

47. Page 21, line 1 through line 2.

**Following:** "section"

**Strike:** "42" on line 1 through "46" on line 2

**Insert:** "44(3) or 45"

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48. Page 21, line 23.

**Following:** "and"

**Insert:** "an opportunity for"

49. Page 21, line 25.

**Strike:** "61"

**Insert:** "56"

50. Page 22, line 20.

**Strike:** "61"

**Insert:** "56"

51. Page 22, line 23.

**Strike:** "50"

**Insert:** "49"

52. Page 22, line 26 through line 27.

**Following:** "conservator" on line 26

**Strike:** "one of" on line 26 through "another" on line 27

**Insert:** "a"

53. Page 22, line 28.

**Strike:** "division" through "institutions"

**Insert:** "department"

54. Page 22, line 29 through line 30.

**Strike:** "division"

**Insert:** "department"

**Strike:** "Upon" on line 29 through the first "the" on line 30

**Insert:** "The"

**Strike:** "division" on line 30

**Insert:** "department"

55. Page 23, line 1.

**Strike:** "division" through "institutions"

**Insert:** "department"

56. Page 23, line 10 through page 24, line 9.

**Strike:** sections 52 through 54 in their entirety

**Renumber:** subsequent sections

57. Page 24, line 12.

**Strike:** "46" through "53"

**Insert:** "45, 49, or 50"

58. Page 24, line 16.

**Strike:** "61"

**Insert:** "56"

59. Page 24, line 17.

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**Strike:** "61"  
**Insert:** "56"

60. Page 24, line 30.  
**Strike:** "61"  
**Insert:** "56"

61. Page 25, line 2.  
**Strike:** the first "61"  
**Insert:** "56"  
**Strike:** the second "61"  
**Insert:** "56"

62. Page 25, line 4.  
**Strike:** section 59 in its entirety  
**Renumber:** subsequent sections

63. Page 25, line 6.  
**Strike:** "61"  
**Insert:** "56"

64. Page 25, line 11.  
**Strike:** "61"  
**Insert:** "56"

65. Page 25, line 19.  
**Strike:** "61"  
**Insert:** "56"

66. Page 25, line 21.  
**Strike:** "61"  
**Insert:** "56"

67. Page 25, line 22.  
**Strike:** the first "35"  
**Insert:** "32"  
**Strike:** the second "35"  
**Insert:** "32"  
**Strike:** "61"  
**Insert:** "56"

And, as amended, do pass. Report adopted.

**SB 369**, do pass. Report adopted.  
**SB 412**, do pass. Report adopted.  
**SB 444**, do pass. Report adopted.  
**SB 453**, introduced bill, be amended as follows:

1. Page 2, line 9.  
**Following:** "37-1-405."

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**Insert:** "The rules may require the posting of only the licensee's name and the fact that a hearing is being held when the information is being posted on a publicly available website prior to a decision leading to a suspension or revocation of a license or other final decision of a board or the department."

2. Page 4, line 20 through line 24.

**Strike:** subsections (b) and (c) in their entirety

**Insert:** "(b) In addition to any other means of notice, the department shall post the required information on a publicly available website.

(c) This subsection (2) may not be construed to require a meeting to be open or records to be disseminated when the demands of individual privacy clearly exceed the merits of public disclosure."

3. Page 5, line 10 through line 14.

**Strike:** subsections (b) and (c) in their entirety

**Insert:** "(b) In addition to any other means of notice, the department shall post the required information on a publicly available website.

(c) This subsection (2) may not be construed to require a meeting to be open or records to be disseminated when the demands of individual privacy clearly exceed the merits of public disclosure."

And, as amended, do pass. Report adopted.

**FINANCE AND CLAIMS** (Schmidt, Chairman):

2/16/2007

**SB 166**, do pass. Report adopted.

**SB 235**, do pass. Report adopted.

**FISH AND GAME** (Tropila, Chairman):

2/16/2007

**SB 100**, introduced bill, be amended as follows:

1. Title, line 6 through line 7.

**Following:** "AMENDING" on line 6

**Strike:** remainder of line 6 through first "AND" on line 7

**Insert:** "SECTION"

2. Page 1, line 13.

**Strike:** "this chapter"

**Insert:** "Title 37, chapter 47,"

3. Page 1, line 14.

**Strike:** "this chapter"

**Insert:** "Title 37, chapter 47"

4. Page 1, line 26.

**Following:** "department"

**Strike:** "of fish, wildlife, and parks"

5. Page 2, line 12 through line 20.

**Following:** "were provided." on line 12

**Strike:** remainder of line 12 through line 20

6. Page 2, line 21.

**Insert:** "(5) As used in this section, "consideration" is defined as remuneration given in exchange for outfitting

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services supplied predicated on a business relationship between parties. This does not include reimbursement for shared trip expenses.

(6)(a) As used in this section, "outfitting" means providing hunting or fishing services for consideration, including any saddle or pack animal, facilities, camping equipment, personal service, or vehicle, watercraft, or other conveyance for any person to hunt, fish, trap, capture, take, kill, or pursue any game, including fish. The term includes accompanying that person, either part or all of the way, on an expedition for any of these purposes or supervision of a licensed guide or professional guide in accompanying that person.

(b) The term does not include the provision of the services listed in subsection (6)(a) by a person on real property that the person owns for the primary pursuit of bona fide agricultural interests."

7. Page 2, line 22 through page 4, line 3.

**Strike:** section 2 in its entirety

**Renumber:** subsequent sections

8. Page 4, line 24.

**Following:** "Title" in two places

**Strike:** "37"

**Insert:** "87"

**Following:** "chapter" in two places

**Strike:** "47"

**Insert:** "3"

**Following:** "part" in two places

**Strike:** "3"

**Insert:** "1"

And, as amended, do pass. Report adopted.

**SB 128**, introduced bill, be amended as follows:

1. Page 18, line 9.

**Following:** "parks"

**Insert:** "until June 30, 2019"

2. Page 19, line 28.

**Strike:** "30"

**Insert:** "90"

3. Page 21, line 12.

**Following:** line 11

**Insert:** "(6) (a) From [the effective date of this act] through June 30, 2019, the department of fish, wildlife, and parks may change, pursuant to this section, the appropriation rights that it holds in fee simple to instream flow purposes on no more than 12 stream reaches.

(b) After June 30, 2019, the department may not change the appropriation rights that it holds in fee simple to instream flow purposes on any stream reaches.

(7) After June 30, 2019, the department may not enter into any new lease agreements pursuant to this section or renew any leases that expire after that date."

And, as amended, do pass. Report adopted.

**SB 314**, do pass. Report adopted.

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**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Cocchiarella, Chairman):  
SB 276, introduced bill, be amended as follows:

2/16/2007

1. Page 1, line 10.

**Following:** "means"

**Strike:** "a contract or"

**Insert:** "an"

2. Page 1, line 11.

**Following:** "policy"

**Insert:** "or certificate"

**Following:** "requires"

**Insert:** "a one-time payment or"

3. Page 1, line 17.

**Strike:** "whole"

4. Page 1, line 19.

**Strike:** "a certificate of authority to transact insurance"

**Insert:** "an insurance producer's license in this state"

5. Page 1, line 21.

**Strike:** "a certification of authority to transact insurance"

**Insert:** "an insurance producer's license"

6. Page 1, line 22 through line 27.

**Strike:** "limits" on line 22

**Insert:** "limit"

**Strike:** "are:" on line 22 through "2008," on line 23

**Insert:** "is"

**Strike:** "; and" on line 23 through "2007" on line 27

7. Page 1, line 29.

**Following:** "plan"

**Insert:** ", as described in 37-19-827,"

8. Page 2, line 2.

**Following:** "product;"

**Insert:** "and"

9. Page 2, line 4 through line 5.

**Following:** "undertaker"

**Strike:** "; and" on line 4 through "purpose" on line 5

10. Page 2.

**Following:** line 5

**Insert:** "(4) The funeral insurance policy must state that the insurance company may, as a condition of paying the benefits of the insurance policy, require from the funeral director, mortician, mortuary, or undertaker:

(a) a certified copy of the certificate of death of the insured or other evidence of death satisfactory to the insurance company; and



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(b) a certificate of completion signed by the funeral director, mortician, or undertaker stating that the funeral director, mortician, undertaker, or mortuary has delivered all the goods and performed all the services contracted for, by, or on behalf of the insured.

(5) (a) Notwithstanding the provisions of 33-15-414, the funeral insurance policy must contain an assignability clause that allows the policy to be assigned or otherwise transferred to another funeral director, mortician, mortuary, or undertaker in conjunction with the assumption of the contractual obligation to provide the funeral goods or services.

(b) The assignability clause may not be used by a funeral director, mortician, mortuary, or undertaker to pledge, assign, transfer, borrow from, or otherwise encumber an insurance policy assigned to it for purposes of purchasing funeral goods or services prior to delivering all of the goods and performing all of the services contracted for, by, or on behalf of the insured."

11. Page 2, line 25.

**Following:** "~~disability~~"

**Insert:** "life or disability insurance, with the sole exception of a license to transact "

**Strike:** "[section 1(1)(c)(i)]"

**Insert:** "[section 1(1)(c)(ii)]"

12. Page 6, line 7.

**Strike:** "other"

13. Page 7, line 1.

**Following:** "sell"

**Insert:** "any"

**Following:** "insurance,"

**Insert:** "other than"

**Strike:** "[section 1(1)(c)(i)]"

**Insert:** "[section 1(1)(c)(ii)]"

14. Page 7, line 3.

**Strike:** "that sells" through "[section 1(1)(c)(i)],"

And, as amended, do pass. Report adopted.

**SB 434**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** "PURPOSE"

**Insert:** "AND SIZE"

2. Page 1, line 17.

**Strike:** "seven"

**Insert:** "eight"

3. Page 1, line 18.

**Strike:** "Two"

**Insert:** "Three"

4. Page 3, line 16.

**Strike:** "1,500"

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**Insert:** "1,000"

5. Page 3, line 28 through page 4, line 2.

**Strike:** subsection (3) in its entirety

And, as amended, do pass. Report adopted.

**FINANCE AND CLAIMS** (Schmidt, Chairman):

2/16/2007

**SB 55**, introduced bill, be amended as follows:

1. Title, page 1, line 7.

**Strike:** "DEPOSITED IN A"

**Insert:** "TRANSFERRED FROM THE GUARANTEE ACCOUNT TO THE"

2. Title, page 1, line 8.

**Strike:** "RATHER THAN THE GUARANTEE ACCOUNT"

3. Title, page 1, line 10.

**Strike:** "SECTION"

**Insert:** "SECTIONS"

**Following:** "17-6-340"

**Insert:** "AND 20-9-622"

4. Page 1, line 27.

**Following:** "~~guarantee account~~"

**Insert:** "guarantee account and transferred to the"

5. Page 1.

**Following:** line 28

**Insert:** "Section 3. Section 20-9-622, MCA, is amended to read:

**"20-9-622. Guarantee account.** (1) There is a guarantee account in the state special revenue fund. The guarantee account is intended to:

(a) stabilize the long-term growth of the permanent fund; and

(b) maintain a constant and increasing distributable revenue stream. All realized capital gains and all distributable revenue must be deposited in the guarantee account. Except as provided in subsections (2) and (3), the guarantee account is statutorily appropriated, as provided in 17-7-502, for distribution to school districts through school equalization aid as provided in 20-9-343.

(2) As long as a portion of the coal severance tax loan authorized in section 8, Chapter 418, Laws of 2001, is outstanding, the department of natural resources and conservation shall monthly transfer from the guarantee account to the general fund an amount that represents the amount of interest income that would be earned from the investment of the amount of the loan that is currently outstanding. When the loan is fully paid, all mineral royalties deposited in the guarantee account must be transferred to the school facility improvement account pursuant to 17-6-340.

(3) The revenue distributed through 20-9-534 must be used for the purposes of 20-9-533."

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**SB 68**, introduced bill, be amended as follows:

1. Page 1, line 9 through line 19.

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**Strike:** line 9 through line 19

2. Page 3, line 7.

**Strike:** "subsection"

**Insert:** "subsections"

**Following:** "(2)"

**Insert:** "and (3)"

3. Page 3, line 16 through line 17.

**Following:** "documents"

**Strike:** "EXCEPT" on line 16 through "(2)(H)"

4. Page 4, line 11 through line 12.

**Following:** "RELATES TO"

**Strike:** "HOW" on line 11 through "VERIFIED" on line 12

**Insert:** "the portfolio valuation methodology used by the manager"

**Following:** ":",

**Insert:** "or"

5. Page 4, line 13 through line 14.

**Strike:** subsections (i) and (j) in their entirety

**Insert:** "(i) is a summary of fund investment information, including:

(i) manager history, names of key personnel, and the name of the independent auditor;

(ii) how the fund strategy aligns with the board's approved asset allocation;

(iii) targeted fund size and targeted return;

(iv) fund term or commitment period;

(v) management and incentive fees; and

(vi) fund investment limitations or risk controls."

6. Page 4, line 15 through line 16.

**Strike:** subsection (3) in its entirety

**Insert:** "(3) The records in subsection (1)(b) may be disclosed to the legislative auditor as provided in 5-13-309."

And, as amended, do pass. Report adopted.

**SB 79**, introduced bill, be amended as follows:

1. Title, line 6.

**Strike:** "ELIMINATING THE LONG-RANGE BUILDING PROGRAM ACCOUNT;"

2. Title, line 8.

**Strike:** "AN INTERNAL SERVICE FUND"

**Insert:** "BUILDING MAINTENANCE RATES"

3. Title, line 9.

**Following:** "MAINTENANCE;"

**Insert:** "PROVIDING A FUND TRANSFER;"

**Strike:** "2-17-811,"

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**Following:** "16-11-119,"

**Insert:** "17-7-123, 17-7-205,"

4. Title, line 10.

**Strike:** "SECTION 17-7-205, MCA, AND"

5. Title, line 11.

**Following:** "PROVIDING"

**Insert:** "EFFECTIVE DATES AND"

6. Page 1, lines 15 through 25.

**Strike:** section 1 in its entirety

**Renumber:** subsequent sections

7. Page 4, line 24.

**Insert:** "Section 3. Section 17-7-123, MCA, is amended to read:

**"17-7-123. Form of executive budget.** (1) The budget submitted must set forth a balanced financial plan for funds subject to appropriation and enterprise funds that transfer profits to the general fund or to accounts subject to appropriation for each accounting entity and for the state government for each fiscal year of the ensuing biennium. The base level plan must consist of:

(a) a consolidated budget summary setting forth the aggregate figures of the budget in a manner that shows a balance between the total proposed disbursements and the total anticipated receipts, together with the other means of financing the budget for each fiscal year of the ensuing biennium, contrasted with the corresponding figures for the last-completed fiscal year and the fiscal year in progress. The consolidated budget summary must be supported by explanatory schedules or statements.

(b) budget and full-time equivalent personnel position comparisons by agency, program, and appropriated funds for the current and subsequent biennium;

(c) the departmental mission and a statement of goals and objectives for the department;

(d) base budget disbursements for the completed fiscal year of the current biennium, estimated comparable disbursements for the current fiscal year, and the proposed present law base budget plus new proposals, if any, for each department and each program of the department;

(e) a statement containing recommendations of the governor for the ensuing biennium by program and disbursement category, including:

(i) explanations of appropriation and revenue measures included in the budget that involve policy changes;

(ii) matters not included as a part of the budget bill but included as a part of the executive budget, such as the state employee pay plan, programs funded through separate appropriations measures, and other matters considered necessary for comprehensive public and legislative consideration of the state budget; and

(iii) a summary of budget requests that include proposed expenditures on information technology resources. The summary must include funding, program references, and a decision package reference;

(f) a report on:

(i) enterprise funds not subject to the requirements of subsections (1)(a) through (1)(e), including retained earnings and contributed capital, projected operations and charges, and projected fund balances; and

(ii) fees and charges in the internal service fund type and capital projects fund type, including changes in the level of fees and charges, projected use of the fees and charges, and projected fund balances. Fees and charges in the internal service fund type must be approved by the legislature in the general appropriations act. Fees and charges in a biennium may not exceed the level approved by the legislature in the general appropriations act effective for that biennium.

(g) any other financial or budgetary material agreed to by the budget director and the legislative fiscal analyst.

(2) The statement of departmental goals and objectives and the schedule for each fund required in

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17-7-111(3)(b) of the executive budget are not required to be printed but must be available in the office of budget and program planning and on the internet.""

**Insert:** "Section 4. Section 17-7-205, MCA, is amended to read:

**"17-7-205. Long-range building program account.** (1) There is a long-range building program account in the capital projects fund type.

~~(2) Cigarette tax revenue deposited in the account pursuant to 16-11-119 must be obligated prior to obligating other funds in the account.~~

~~(3) Coal severance taxes allocated to the account under 15-35-108 may be appropriated for the long-range building program or debt service payments on building projects. Coal severance taxes required for general obligation bond debt service may be transferred to the debt service fund.~~

~~(2) Money must be deposited in the account from the rates assessed pursuant to 17-7-206.~~

~~(4)(3) Interest earnings, project carryover funds, administrative fees, and miscellaneous revenue must be retained in the account.""~~

**Renumber:** subsequent sections

8. Page 4, line 29.

**Following:** "maintenance."

**Insert:** "The amount appropriated for maintenance must be deposited in the long-range building account for use in future maintenance."

9. Page 5, lines 5 and 6.

**Following:** "buildings." on line 5

**Strike:** remainder of line 5 through line 6 in its entirety

10. Page 5, line 7.

**Strike:** "There is an internal service fund for building maintenance."

11. Page 5, line 8.

**Following:** "agencies"

**Insert:** "annual"

**Following:** "rates"

**Insert:** ", payable from the general fund,"

**Following:** "occupancy of"

**Insert:** "certain"

12. Page 5, line 13.

**Strike:** "subsections"

**Insert:** "subsection"

**Strike:** "and (4)(c)"

**Following:** "(4)(c)."

**Insert:** "The department shall establish rates for all long-range building program-eligible buildings for which all maintenance is administered by the department."

13. Page 5, line 14.

**Strike:** "2007"

**Insert:** "2009"

14. Page 5, lines 27 through 30.

**Strike:** subsection (c) in its entirety

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15. Page 6, line 24.

**Insert:** "NEW SECTION. Section 8. Fund transfer. There is transferred to the long-range building capital projects account from the state general fund \$7.15 million on July 1, 2007, and July 1, 2008."

**Renumber:** subsequent sections

16. Page 6, line 25.

**Strike:** "17-7-205, MCA, and section"

17. Page 6, line 26.

**Strike:** "are"

**Insert:** "is"

18. Page 6, line 30.

**Insert:** "NEW SECTION. Section 11. Effective dates. (1) Except as provided in subsection (2), [this act] is effective July 1, 2009.

(2) [Section 8] is effective July 1, 2007."

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**SB 413**, introduced bill, be amended as follows:

1. Page 2, line 15 through line 16.

**Following:** "(6)" on line 15

**Strike:** "¿" through "weekly" on line 16

2. Page 2, line 17.

**Following:** "¿"

**Insert:** "The department shall review the proposal to ensure that deposits are made at least weekly, unless the requesting agency shows hardship due to peak processing times."

3. Page 2, line 30.

**Strike:** "an"

**Insert:** "a"

4. Page 3, line 1.

**Strike:** "agent or"

5. Page 3, line 1 through line 2.

**Following:** "if" on line 1

**Strike:** "¿" through "(a)" on line 2

6. Page 3, line 2.

**Strike:** "agent or"

7. Page 3, line 2 through line 4.

**Following:** "sources" on line 2

**Strike:** "¿" through "2-15-3401" on line 4

And, as amended, do pass. Report adopted.

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**HIGHWAYS AND TRANSPORTATION** (Pease, Chairman): 2/16/2007

**SB 122**, do pass. Report adopted.

**HB 126**, be concurred in. Report adopted.

**HB 127**, be concurred in. Report adopted.

**JUDICIARY** (Laslovich, Chairman): 2/16/2007

**SJR 10**, be adopted. Report adopted.

**LOCAL GOVERNMENT** (Gillan, Chairman): 2/16/2007

**SB 51**, introduced bill, be amended as follows:

1. Title, line 6.

**Strike:** "CONSIDER"

**Insert:** "EVALUATE THE POTENTIAL FOR"

2. Title, line 12.

**Following:** "REGULATIONS;"

**Insert:** "REQUIRING THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION TO ADOPT RULES TO ADDRESS DEVELOPMENT IN THE WILDLAND-URBAN INTERFACE; REQUIRING THE DEPARTMENT OF LABOR AND INDUSTRY TO ADOPT RULES THAT IDENTIFY CONSTRUCTION TECHNIQUES TO MITIGATE FIRE HAZARDS;"

**Following:** "76-3-501,"

**Strike:** "AND"

3. Title, line 12.

**Strike:** "AND"

4. Title, line 13.

**Following:** "76-3-504,"

**Insert:** "AND 76-13-109,"

**Following:** "MCA"

**Insert:** "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE"

5. Page 1, line 17 through page 7, line 25.

**Strike:** everything after the enacting clause

**Insert:** "Section 1. Section 76-1-601, MCA, is amended to read:

**"76-1-601. Growth policy -- contents.** (1) A growth policy may cover all or part of the jurisdictional area.

(2) ~~A growth policy must include the elements listed in subsection (3) by October 1, 2006.~~ The extent to which a growth policy addresses the elements of a growth policy that are listed in subsection (3) is at the full discretion of the governing body.

(3) A growth policy must include:

(a) community goals and objectives;

(b) maps and text describing an inventory of the existing characteristics and features of the jurisdictional

area, including:

(i) land uses;

(ii) population;

(iii) housing needs;

(iv) economic conditions;

(v) local services;

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- (vi) public facilities;
- (vii) natural resources; and
- (viii) other characteristics and features proposed by the planning board and adopted by the governing bodies;
- (c) projected trends for the life of the growth policy for each of the following elements:
  - (i) land use;
  - (ii) population;
  - (iii) housing needs;
  - (iv) economic conditions;
  - (v) local services;
  - (vi) natural resources; and
  - (vii) other elements proposed by the planning board and adopted by the governing bodies;
- (d) a description of policies, regulations, and other measures to be implemented in order to achieve the goals and objectives established pursuant to subsection (3)(a);
- (e) a strategy for development, maintenance, and replacement of public infrastructure, including drinking water systems, wastewater treatment facilities, sewer systems, solid waste facilities, fire protection facilities, roads, and bridges;
- (f) an implementation strategy that includes:
  - (i) a timetable for implementing the growth policy;
  - (ii) a list of conditions that will lead to a revision of the growth policy; and
  - (iii) a timetable for reviewing the growth policy at least once every 5 years and revising the policy if necessary;
- (g) a statement of how the governing bodies will coordinate and cooperate with other jurisdictions that explains:
  - (i) if a governing body is a city or town, how the governing body will coordinate and cooperate with the county in which the city or town is located on matters related to the growth policy;
  - (ii) if a governing body is a county, how the governing body will coordinate and cooperate with cities and towns located within the county's boundaries on matters related to the growth policy;
- (h) a statement explaining how the governing bodies will:
  - (i) define the criteria in 76-3-608(3)(a); and
  - (ii) evaluate and make decisions regarding proposed subdivisions with respect to the criteria in 76-3-608(3)(a); ~~and~~
- ~~(i) a statement explaining how public hearings regarding proposed subdivisions will be conducted; and~~
- ~~(j) an evaluation of the potential for fire and wildland fire in the jurisdictional area, including whether or not there is a need to:~~
  - ~~(i) delineate the wildland-urban interface; and~~
  - ~~(ii) adopt regulations requiring:~~
    - ~~(A) defensible space around structures;~~
    - ~~(B) adequate ingress and egress to and from structures and developments to facilitate fire suppression activities; and~~
    - ~~(C) adequate water supply for fire protection.~~
- (4) A growth policy may:
  - (a) include one or more neighborhood plans. A neighborhood plan must be consistent with the growth policy.
  - (b) establish minimum criteria defining the jurisdictional area for a neighborhood plan;
  - (c) address the criteria in 76-3-608(3)(a);
  - (d) evaluate the effect of subdivision on the criteria in 76-3-608(3)(a);
  - (e) describe zoning regulations that will be implemented to address the criteria in 76-3-608(3)(a); and
  - (f) identify geographic areas where the governing body intends to authorize an exemption from review of the criteria in 76-3-608(3)(a) for proposed subdivisions pursuant to 76-3-608.
- (5) The planning board may propose and the governing bodies may adopt additional elements of a growth policy in order to fulfill the purpose of this chapter."



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**Insert: "Section 2.** Section 76-3-501, MCA, is amended to read:

**"76-3-501. Local subdivision regulations.** The governing body of every county, city, and town shall adopt and provide for the enforcement and administration of subdivision regulations reasonably providing for:

- (1) the orderly development of their jurisdictional areas;
- (2) the coordination of roads within subdivided land with other roads, both existing and planned;
- (3) the dedication of land for roadways and for public utility easements;
- (4) the improvement of roads;
- (5) the provision of adequate open spaces for travel, light, air, and recreation;
- (6) the provision of adequate transportation, water, and drainage;
- (7) subject to the provisions of 76-3-511, the regulation of sanitary facilities;
- (8) the avoidance or minimization of congestion; and
- (9) the avoidance of subdivisions that would involve unnecessary environmental degradation and danger of injury to health, safety, or welfare by reason of natural hazard, including but not limited to fire and wildland fire, or the lack of water, drainage, access, transportation, or other public services or that would necessitate an excessive expenditure of public funds for the supply of the services."

**Insert: "Section 3.** Section 76-3-504, MCA, is amended to read:

**"76-3-504. Subdivision regulations -- contents.** (1) The subdivision regulations adopted under this chapter must, at a minimum:

- (a) list the materials that must be included in a subdivision application in order for the application to be determined to contain the required elements for the purposes of the review required in 76-3-604(1);
- (b) except as provided in 76-3-210, 76-3-509, or 76-3-609, require the subdivider to submit to the governing body an environmental assessment as prescribed in 76-3-603;
- (c) establish procedures consistent with this chapter for the submission and review of subdivision applications and amended applications;
- (d) prescribe the form and contents of preliminary plats and the documents to accompany final plats;
- (e) provide for the identification of areas that, because of natural or human-caused hazards, are unsuitable for subdivision development, and The regulations must prohibit subdivisions in these areas unless the hazards can be eliminated or overcome by approved construction techniques, or other mitigation measures. Approved construction techniques or other mitigation measures may not include building regulations as defined in 50-60-101 other than those identified by the department of labor and industry as provided in [section 5].
- (f) prohibit subdivisions for building purposes in areas located within the floodway of a flood of 100-year frequency, as defined by Title 76, chapter 5, or determined to be subject to flooding by the governing body;
- (g) prescribe standards for:
  - (i) the design and arrangement of lots, streets, and roads;
  - (ii) grading and drainage;
  - (iii) subject to the provisions of 76-3-511, water supply and sewage and solid waste disposal that meet the:
    - (A) regulations adopted by the department of environmental quality under 76-4-104 for subdivisions that will create one or more parcels containing less than 20 acres; and
    - (B) standards provided in 76-3-604 and 76-3-622 for subdivisions that will create one or more parcels containing 20 acres or more and less than 160 acres; and
  - (iv) the location and installation of public utilities;
- (h) provide procedures for the administration of the park and open-space requirements of this chapter;
- (i) provide for the review of subdivision applications by affected public utilities and those agencies of local, state, and federal government identified during the preapplication consultation conducted pursuant to subsection (1)(q) or those having a substantial interest in a proposed subdivision. A public utility or agency review may not delay the governing body's action on the application beyond the time limits specified in this chapter, and the failure of any agency to complete a review of an application may not be a basis for rejection of the application by the governing body.
- (j) when a subdivision creates parcels with lot sizes averaging less than 5 acres, require the subdivider to:
  - (i) reserve all or a portion of the appropriation water rights owned by the owner of the land to be subdivided and transfer the water rights to a single entity for use by landowners within the subdivision who have a

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legal right to the water and reserve and sever any remaining surface water rights from the land;

(ii) if the land to be subdivided is subject to a contract or interest in a public or private entity formed to provide the use of a water right on the subdivision lots, establish a landowner's water use agreement administered through a single entity that specifies administration and the rights and responsibilities of landowners within the subdivision who have a legal right and access to the water; or

(iii) reserve and sever all surface water rights from the land;

(k) (i) except as provided in subsection (1)(k)(ii), require the subdivider to establish ditch easements in the subdivision that:

(A) are in locations of appropriate topographic characteristics and sufficient width to allow the physical placement and unobstructed maintenance of open ditches or belowground pipelines for the delivery of water for irrigation to persons and lands legally entitled to the water under an appropriated water right or permit of an irrigation district or other private or public entity formed to provide for the use of the water right on the subdivision lots;

(B) are a sufficient distance from the centerline of the ditch to allow for construction, repair, maintenance, and inspection of the ditch; and

(C) prohibit the placement of structures or the planting of vegetation other than grass within the ditch easement without the written permission of the ditch owner.

(ii) Establishment of easements pursuant to this subsection (1)(k) is not required if:

(A) the average lot size is 1 acre or less and the subdivider provides for disclosure, in a manner acceptable to the governing body, that adequately notifies potential buyers of lots that are classified as irrigated land and may continue to be assessed for irrigation water delivery even though the water may not be deliverable; or

(B) the water rights are removed or the process has been initiated to remove the water rights from the subdivided land through an appropriate legal or administrative process and if the removal or intended removal is denoted on the preliminary plat. If removal of water rights is not complete upon filing of the final plat, the subdivider shall provide written notification to prospective buyers of the intent to remove the water right and shall document that intent, when applicable, in agreements and legal documents for related sales transactions.

(l) require the subdivider, unless otherwise provided for under separate written agreement or filed easement, to file and record ditch easements for unobstructed use and maintenance of existing water delivery ditches, pipelines, and facilities in the subdivision that are necessary to convey water through the subdivision to lands adjacent to or beyond the subdivision boundaries in quantities and in a manner that are consistent with historic and legal rights;

(m) require the subdivider to describe, dimension, and show public utility easements in the subdivision on the final plat in their true and correct location. The public utility easements must be of sufficient width to allow the physical placement and unobstructed maintenance of public utility facilities for the provision of public utility services within the subdivision.

(n) establish whether the governing body, its authorized agent or agency, or both will hold public hearings;

(o) establish procedures describing how the governing body or its agent or agency will address information presented at the hearing or hearings held pursuant to 76-3-605 and 76-3-615;

(p) establish criteria that the governing body or reviewing authority will use to determine whether a proposed method of disposition using the exemptions provided in 76-3-201 or 76-3-207 is an attempt to evade the requirements of this chapter. The regulations must provide for an appeals process to the governing body if the reviewing authority is not the governing body.

(q) establish a preapplication process that:

(i) allows a subdivider to meet with the agent or agency, other than the governing body, that is designated by the governing body to review subdivision applications prior to the subdivider submitting the application;

(ii) requires, for informational purposes only, identification of the state laws, local regulations, and growth policy provisions, if a growth policy has been adopted, that may apply to the subdivision review process;

(iii) requires a list to be made available to the subdivider of the public utilities, those agencies of local, state, and federal government, and any other entities that may be contacted for comment on the subdivision application and the timeframes that the public utilities, agencies, and other entities are given to respond. If, during the review of the application, the agent or agency designated by the governing body contacts a public utility, agency, or other entity that was not included on the list originally made available to the subdivider, the agent or agency shall notify the

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subdivider of the contact and the timeframe for response.

(iv) requires that a preapplication meeting take place no more than 30 days from the date that the agent or agency receives a written request for a preapplication meeting from the subdivider; and

(v) establishes a time limit after a preapplication meeting by which an application must be submitted as provided in 76-3-604.

(2) In order to accomplish the purposes described in 76-3-501, the subdivision regulations adopted under 76-3-509 and this section may include provisions that are consistent with this section that promote cluster development.

(3) The governing body may establish deadlines for submittal of subdivision applications.""

**Insert:** "Section 4. Section 76-13-109, MCA, is amended to read:

**"76-13-109. Rules.** (1) The department may adopt ~~and enforce~~ reasonable rules for the purpose of enforcing and accomplishing the provisions and purposes of this part and part 2.

(2) By October 1, 2008, the department shall adopt rules addressing development within the wildland-urban interface, including but not limited to:

(a) best practices for development within the wildland-urban interface; and

(b) criteria for providing grant and loan assistance to local government entities to encourage adoption of best practices for development within the wildland-urban interface."

**Insert:** "NEW SECTION. Section 5. Purpose -- rulemaking.

(1) The purpose of [sections 5 and 6] is to provide specific rulemaking authority to the department of labor and industry for the purposes of 76-3-504(1)(e).

(2) By October 1, 2008, the department shall adopt rules identifying appropriate construction techniques that may be used by a local government in mitigation of identified fire hazards pursuant to 76-3-504(1)(e). Rules adopted under this section may not be construed to be part of the state building code as provided in 50-60-203. The adoption, amendment, or repeal of a rule under this section is of significant public interest for the purposes of 2-3-103."

**Insert:** "NEW SECTION. Section 6. Enforcement. Rules promulgated under [section 5] may be enforced only as provided in Title 76, chapter 3, part 5. The powers and duties for enforcement provided in 76-3-501 apply to rules adopted under [section 5] and do not apply to or include any rules adopted under Title 50, chapter 60, parts 1 through 8. "

**Insert:** "NEW SECTION. Section 7. Codification instruction. [Sections 5 and 6] are intended to be codified as an integral part of Title 50, chapter 60, and the provisions of Title 50, chapter 60, apply to [sections 5 and 6]."

**Insert:** "NEW SECTION. Section 8. Effective date -- applicability. [This act] is effective on passage and approval and applies on or after October 1, 2008."

And, as amended, do pass. Report adopted.

**SB 110**, introduced bill, be amended as follows:

1. Title, line 21.

**Following:** "70-23-301,"

**Insert:** "76-1-103,"

2. Title, line 22.

**Strike:** "76-2-228,"

3. Title, line 23.

**Strike:** "76-2-328,"

4. Title, line 24.

**Following:** "MCA"

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**Insert:** "; REPEALING SECTION 76-3-210, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE"

5. Page 3.

**Following:** line 24

**Insert:** "Section 5. Section 76-1-103, MCA, is amended to read:

**"76-1-103. Definitions.** As used in this chapter, the following definitions apply:

- (1) "City" includes incorporated cities and towns.
- (2) "City council" means the chief legislative body of a city or incorporated town.
- (3) "Governing body" or "governing bodies" means the governing body of any governmental unit represented on a planning board.
- (4) "Growth policy" means ~~a comprehensive development plan, master plan, or comprehensive plan that was adopted pursuant to this chapter before October 1, 1999, or~~ a policy that was adopted pursuant to this chapter on or after October 1, 1999.
- (5) "Mayor" means mayor of a city.
- (6) "Neighborhood plan" means a plan for a geographic area within the boundaries of the jurisdictional area that addresses one or more of the elements of the growth policy in more detail.
- (7) "Person" means any individual, firm, or corporation.
- (8) "Planning board" means a city planning board, a county planning board, or a joint city-county planning board.
- (9) "Plat" means a subdivision of land into lots, streets, and areas, marked on a map or plan, and includes replats or amended plats.
- (10) "Public place" means any tract owned by the state or its subdivisions.
- (11) "Streets" includes streets, avenues, boulevards, roads, lanes, alleys, and all public ways.
- (12) "Utility" means any facility used in rendering service that the public has a right to demand."

**Renumber:** subsequent sections

6. Page 5, lines 20 and 21.

**Following:** "be published"

**Strike:** "in" on line 20 through "hearing" on line 21

**Insert:** "in accordance with 7-1-2121"

7. Page 5, line 26.

**Strike:** "resident"

8. Page 6, line 3.

**Strike:** "of the proposed district"

9. Page 7, line 4.

**Following:** "A"

**Insert:** "knowing, negligent, or purposeful"

10. Page 7, lines 6 and 7.

**Strike:** "The" on line 6 through "45-2-104." on line 7

11. Page 7, line 9.

**Following:** "violation."

**Insert:** "A governing body may not assess a fine for any period of time prior to the violator being given notice in writing of the violation."

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12. Page 8, line 27.

**Following:** "fire"

**Strike:** ", panic,"

13. Page 11, line 12.

**Following:** "A"

**Insert:** "knowing, negligent, or purposeful"

14. Page 11, lines 14 and 15.

**Strike:** "The" on line 14 through "45-2-104." on line 15

15. Page 11, line 17.

**Following:** "violation."

**Insert:** "A governing body may not assess a fine for any period of time prior to the violator being given notice in writing of the violation."

16. Page 11, line 19 through line 22.

**Strike:** section 20 in its entirety

**Renumber:** subsequent sections

17. Page 13, line 9.

**Following:** "fire"

**Strike:** ", panic,"

18. Page 14, line 2.

**Following:** "A"

**Insert:** "knowing, negligent, or purposeful"

19. Page 14, lines 5 and 6.

**Strike:** "The" on line 5 through "45-2-104." on line 6

20. Page 14, line 9.

**Following:** "violation."

**Insert:** "A city or town council or other legislative body may not assess a fine for any period of time prior to the violator being given notice in writing of the violation."

21. Page 14, lines 11 through 14.

**Strike:** section 25 in its entirety

**Renumber:** subsequent sections

22. Page 15, lines 9 and 10.

**Strike:** "exempt" on line 9 through "of" on line 10

**Insert:** "not subdivisions under"

**Following:** "chapter"

**Strike:** " "

**Following:** "but"

**Insert:** "but"

23. Page 15, line 11.

**Strike:** "not amounting to"

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**Insert:** "other than"

**Following:** "subdivisions"

**Strike:** " 1 "

24. Page 15, line 25.

**Strike:** "will show"

**Insert:** "shows"

25. Page 15, line 26.

**Strike:** "expunged"

**Insert:** "eliminated"

**Strike:** "will be depicted"

**Insert:** "are established"

26. Page 16, line 4.

**Strike:** "review under parts 5 and 6"

**Insert:** "the provisions"

27. Page 17, line 15.

**Strike:** "76-3-210,"

28. Page 23, line 7.

**Strike:** "adverse impacts"

**Insert:** "the impact"

29. Page 23, line 8.

**Strike:** "use"

**Insert:** "user"

30. Page 25, line 9.

**Following:** "hearing"

**Insert:** "or a subsequent public hearing under 76-3-615"

31. Page 26, lines 11 and 12.

**Following:** "information presented" on line 11

**Insert:** "at that public hearing or meeting"

**Strike:** "has" on line 11 through "agency" on line 12

**Insert:** "is new information"

32. Page 26, line 13.

**Strike:** "as" through "(3)"

**Insert:** "that has never before been presented to or considered by the governing body or its authorized agent or agency"

33. Page 26, line 14.

**Following:** "information"

**Insert:** "is new information as"

34. Page 26, line 15.

**Strike:** "is new information"

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35. Page 28.

**Following:** line 6

**Insert:** "NEW SECTION. **Section 37. Repealer.** Section 76-3-210, MCA, is repealed."

36. Page 28, lines 8 and 9.

**Strike:** "13" in both places

**Insert:** "14" in both places

37. Page 28.

**Following:** line 9

**Insert:** "NEW SECTION. **Section 39. Effective date -- applicability.** [This act] is effective on passage and approval and applies on or after October 1, 2008."

And, as amended, do pass. Report adopted.

**SB 147**, introduced bill, be amended as follows:

1. Page 2.

**Following:** line 2

**Insert:** "(4) For the purposes of this section, "official business" includes but is not limited to the functions of governmental agencies and the activities of utilities, cooperatives, and telecommunications providers to operate, construct, repair, and maintain utility facilities that are essential to the public."

And, as amended, do pass. Report adopted.

**SB 264**, introduced bill, be amended as follows:

1. Page 2, lines 22 and 23.

**Strike:** "Special" through "just"

**Insert:** "A municipality may set special rates, charges, and classifications to assist and benefit low-income persons"

And, as amended, do pass. Report adopted.

**SB 284**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** "ALLOCATING"

**Insert:** "A PORTION OF"

2. Page 1, line 30 through page 2, line 7.

**Strike:** subsections (b) through (f) in their entirety

**Renumber:** subsequent subsections

3. Page 2, line 10.

**Strike:** "1.03%"

**Insert:** "2%"

4. Page 2, line 11.

**Strike:** "and"

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5. Page 2, line 12.

**Strike:** "(1)(i)(ii), 23.53%"

**Insert:** "(1)(d)(ii), \$500,000"

6. Page 2, line 13.

**Following:** "corporations"

**Insert:** ", to be used to support cultural and heritage tourism,"

7. Page 2, line 16.

**Strike:** "23.53%"

**Insert:** "\$500,000"

8. Page 2, line 17.

**Following:** "district"

**Insert:** "; and

(e) all remaining proceeds to the state general fund"

9. Page 2, lines 25 and 26.

**Following:** "commerce for" on line 25

**Strike:** remainder of line 25 through "commercials" on line 26

**Insert:** "the support of cultural and heritage tourism"

And, as amended, do pass. Report adopted.

**PUBLIC HEALTH, WELFARE AND SAFETY** (Weinberg, Chairman):

2/16/2007

**SB 142**, introduced bill, be amended as follows:

1. Title, line 10.

**Following:** "PROFESSIONALS;"

**Insert:** "REQUIRING INCORPORATION OF THE NATIONAL INCIDENT MANAGEMENT SYSTEM REQUIREMENTS IN THE STATE DISASTER AND EMERGENCY PLAN;"

2. Title, line 11.

**Following:** "10-3-111,"

**Insert:** "10-3-301,"

3. Page 1, line 15.

**Following:** "through"

**Insert:** "7 and"

4. Page 1, line 18.

**Following:** "through"

**Insert:** "7 and"

5. Page 1, line 25.

**Strike:** subsection (2) in its entirety

**Renumber:** subsequent sections

6. Page 1, line 28.

**Strike:** subsection (5) in its entirety



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**Renumber:** subsequent subsections

7. Page 2, line 12.

**Following:** ";"

**Insert:** "or"

8. Page 2, line 13.

**Strike:** "the appearance of a novel or previously controlled or eliminated"

**Insert:** "an"

**Following:** "agent"

**Insert:** ", toxic agent, radiologic agent,"

**Following:** ";"

**Insert:** "and"

9. Page 2, lines 14 and 15.

**Strike:** lines 14 and 15 in their entirety

10. Page 2, line 19.

**Strike:** "to an infectious or toxic agent"

11. Page 2, line 27.

**Strike:** "(16)(a)"

**Insert:** "(14)(a)"

12. Page 3, line 4.

**Strike:** "(17)(a)"

**Insert:** "(15)(a)"

13. Page 3, line 9.

**Following:** "including"

**Insert:** "the national incident management system requirements, which must be incorporated in"

14. Page 3, lines 10 and 11.

**Following:** "10-3-301" on line 10

**Strike:** remainder of line 10 through "10-3-504" on line 11

15. Page 4, lines 15 and 16.

**Following:** "necessary." on line 15

**Strike:** remainder of line 15 through line 16 in its entirety

16. Page 4, line 28.

**Following:** "through"

**Insert:** "7 and"

17. Page 5, line 7 through line 24.

**Following:** "**Emergency powers.**" on line 7

**Strike:** remainder of line 7 through line 24 in its entirety

**Insert:** "During a state of public health emergency, the governor has all powers and authorities vested in the governor under parts 1 through 4 of this chapter."

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18. Page 6, line 22.

**Following:** "emergency"

**Insert:** ", as defined in [section 2]"

19. Page 6, line 24 through page 7, line 25.

**Following:** "state" on page 6, line 24

**Strike:** remainder of line 24 through "emergency" on page 7, line 25

**Insert:** "as outlined in the public health emergency plan described in [section 3]"

20. Page 7, line 28.

**Following:** "through"

**Insert:** "7 and"

21. Page 9, line 9.

**Following:** "through"

**Insert:** "7 and"

22. Page 9, line 10.

**Following:** "through"

**Insert:** "7 and"

23. Page 9, line 17.

**Following:** "through"

**Insert:** "7 and"

24. Page 9, line 18.

**Following:** "through"

**Insert:** "7 and"

25. Page 9, line 30.

**Insert:** "**Section 12.** Section 10-3-301, MCA, is amended to read:

**"10-3-301. State disaster and emergency plan.** (1) The state disaster and emergency plan and program may provide for:

(a) prevention and minimization of injury and damage caused by disaster;

(b) prompt and efficient response to an incident, emergency, or disaster;

(c) emergency relief;

(d) identification of areas particularly vulnerable to disasters;

(e) recommendations for preventive and preparedness measures designed to eliminate or reduce disasters or their impact;

(f) organization of personnel and chains of command;

(g) coordination of federal, state, and local disaster and emergency activities; and

(h) other necessary matters.

(2) (a) In preparing and maintaining the state disaster and emergency plan and program, the division may seek the advice and assistance of local government, business, labor, industry, agriculture, civic and volunteer organizations, and community leaders. In advising local and interjurisdictional agencies, the division may encourage them to seek advice from these sources.

(b) The national incident management system requirements must be incorporated in the state disaster and emergency plan."

**Renumber:** subsequent sections

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26. Page 10, line 15.

**Following:** "through"

**Insert:** "7 and"

27. Page 11, line 8.

**Following:** "through"

**Insert:** "7 and"

28. Page 11, line 27.

**Strike:** "Title 10, chapter 3, parts 1 through 4, and [sections 1 through 9]"

**Insert:** "[sections 6 and 7]"

29. Page 11, line 29.

**Following:** "through"

**Insert:** "7 and "

30. Page 12, line 1.

**Following:** "through"

**Insert:** "7 and"

31. Page 12, line 2.

**Following:** line 1

**Insert:** "(2) [Section 8] is intended to be codified as an integral part of Title 50, chapter 1, part 2, and the provisions of Title 50, chapter 1, part 2, apply to [section 8]."

**Renumber:** subsequent subsection

32. Page 12, line 2.

**Strike:** "15"

**Insert:** "16"

33. Page 12, line 3.

**Strike:** "15"

**Insert:** "16"

And, as amended, do pass. Report adopted.

**STATE ADMINISTRATION** (Squires, Chairman):

2/16/2007

**SR 4**, be adopted. Report adopted.

**TAXATION** (Elliott, Chairman):

2/16/2007

**SB 418**, do pass. Report adopted.

**HB 419**, be concurred in. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

**House bill** passed and transmitted to the Senate for concurrence:

2/15/2007

**HB 24**, introduced by Olson

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**House bill** passed and transmitted to the Senate for concurrence: 2/15/2007

**HB 58**, introduced by Keane

**House bill** passed and transmitted to the Senate for concurrence: 2/15/2007

**HB 105**, introduced by Windy Boy

**House bill** passed and transmitted to the Senate for concurrence: 2/15/2007

**HB 420**, introduced by Koopman

**MOTIONS**

**SEN. TRUDI SCHMIDT, SD 11, GREAT FALLS** moved **SB 269** be re-referred to Finance and Claims Committee. Motion carried.

**SEN. GREG LIND, SD 50, MISSOULA** moved **SB 480** be re-referred to Judiciary Committee. Motion carried.

**SEN. STEVE GALLUS, SD 37, BUTTE** moved change his vote on **SB 318** from "yes" to "no". Motion carried.

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 514**, introduced by Balyeat, Essmann, Shockley, Black, Sales, Brown, Lewis, Murphy, Gallus, Jackson, J. Peterson, Barkus, Story, McGillvray, O'Neil, Steinbeisser, Laible, Wanzenried, referred to Taxation.

**SB 515**, introduced by Balyeat, Black, Jackson, Sales, Steinbeisser, Murphy, Barkus, O'Neil, Shockley, referred to Taxation.

**SB 516**, introduced by Black, referred to Business, Labor, and Economic Affairs.

**SB 517**, introduced by Black, referred to State Administration.

**SB 518**, introduced by Perry, referred to Public Health, Welfare and Safety.

**SB 519**, introduced by Esp, referred to Business, Labor, and Economic Affairs.

**SB 520**, introduced by Squires, referred to Highways and Transportation.

**SB 521**, introduced by Esp, referred to Public Health, Welfare and Safety.

**SB 522**, introduced by Weinberg, referred to Public Health, Welfare and Safety.

**SB 523**, introduced by Laslovich, referred to Judiciary.

**SB 524**, introduced by Wanzenried, referred to Business, Labor, and Economic Affairs.

**SB 525**, introduced by Elliott, referred to Taxation.

**SB 526**, introduced by Kitzenberg, referred to State Administration.

**SB 527**, introduced by Gillan, referred to Local Government.

**SB 528**, introduced by Wanzenried, Pomnichowski, Campbell, Cohenour, Hollenbaugh, Hiner, Jopek, Bergren, Jacobson, Grinde, Dickenson, Bixby, Musgrove, Keane, Erickson, Ebinger, Hamilton, French, Henry, Sands, Cordier, Becker, Noonan, Raser, Groesbeck, Driscoll, Wilmer, Reinhart, McAlpin, Wilson, Wiseman, Caferro, Hands, Franklin, Augare, Kitzenberg, McChesney, Windy Boy, Furey, referred to Education and Cultural Resources.

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The following Senate joint resolutions were introduced, read first time, and referred to committees:

**SJR 17**, introduced by Elliott, referred to Business, Labor, and Economic Affairs.

**SJR 18**, introduced by Pease, referred to Fish and Game.

**SJR 19**, introduced by Gillan, referred to Public Health, Welfare and Safety.

**SJR 20**, introduced by Cooney, Parker, referred to Natural Resources and Energy.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Brown in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 430** - Senator Elliott moved **SB 430** do pass. Motion carried unanimously.

**SB 76** - Senator Gillan moved **SB 76** do pass. Motion carried unanimously.

**SB 403** - Senator Lind moved **SB 403** do pass. Motion carried unanimously.

**SB 341** - Senator Lewis moved **SB 341** do pass. Motion carried with Senator Weinberg voting nay.

**SB 295** - Senator Tash moved **SB 295** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Laible, Larson, Laslovich, Lewis, McGee, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Williams, Mr. President.

Total 39

Nays: Cobb, Juneau, Kaufmann, Lind, Moss, O'Neil, Shockley, Squires, Wanzenried, Weinberg.

Total 10

Absent or not voting: Kitzenberg.

Total 1

Excused: None.

Total 0

**SB 260** - Senator Shockley moved **SB 260** do pass. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Steinbeisser, Story, Tash.

Total 21

Nays: Brown, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, Stapleton, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 29

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 260** - Senator Williams moved **SB 260** be indefinitely postponed. Motion carried as follows:

Yeas: Brown, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 30

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Steinbeisser, Story, Tash.  
Total 20

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 299** - Senator Moss moved **SB 299** do pass. Motion carried as follows:

Yeas: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Murphy, Pease, Ryan, Schmidt, Smith, Squires, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 29

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Jackson, Laible, Lewis, McGee, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story.  
Total 20

Absent or not voting: Gebhardt.  
Total 1

Excused: None.  
Total 0

**SB 301** - Senator Moss moved **SB 301** do pass. Motion carried as follows:

Yeas: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lind, Moss, Murphy, Pease, Ryan, Schmidt, Smith, Squires, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 29

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Lewis, McGee, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story.  
Total 21

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 269** - Senator Bales moved **HB 269** be concurred in. Motion carried with Senator Balyeat voting nay.

**SB 102** - Senator Lind moved **SB 102** do pass. Motion carried unanimously.

**SB 130** - Senator Story moved **SB 130** do pass. Motion carried unanimously.

**SJR 5** - Senator Brueggeman moved **SJR 5** be adopted. Motion carried with Senators Esp, McGee, Stapleton voting nay.

**SB 41** - Senator Perry moved **SB 41**, second reading copy, be amended as follows:

1. Page 3, line 16.

**Strike:** "a property tax levy"

**Insert:** "public funds"

Amendment adopted with Senator Balyeat, O'Neil voting nay.

**SB 41** - Senator Elliott moved **SB 41**, as amended, do pass. Motion carried with Senator Gillan voting nay.

**SB 363** - Senator Kaufmann moved **SB 363** do pass. Motion carried with Senator Gillan voting nay.

**SB 93** - Senator Pease moved **SB 93** do pass. Motion carried with Senator Balyeat, Shockley voting nay.

**HB 121** - Senator Black moved **HB 121** be concurred in. Motion carried with Senator McGee voting nay.

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Brown moved the Committee of the Whole report be adopted. Report adopted unanimously.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 8** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.  
Total 0

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 348** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 422** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 318** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kitzenberg, Laible, Larson, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Weinberg, Williams.  
Total 44

Nays: Gallus, Kaufmann, Laslovich, Squires, Wanzenried, Mr. President.



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Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 75** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: Gebhardt.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 333** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Weinberg, Williams, Mr. President.

Total 42

Nays: Brown, Esp, Juneau, Kaufmann, Lind, McGee, Story, Wanzenried.

Total 8

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 258** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Elliott, Esp, Essmann, Gebhardt, Gillan, Hawks, Jackson, Jent, Kitzenberg, Laible, Larson, Lewis, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash.

Total 31

Nays: Cobb, Cocchiarella, Gallus, Hansen, Harrington, Juneau, Kaufmann, Laslovich, Lind, Moss, Ryan,

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Schmidt, Smith, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 19

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 8:00 a.m., Saturday, February 17, 2007. Motion carried.

Senate adjourned at 3:05 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

**SENATE JOURNAL  
60TH LEGISLATURE  
THIRTY-SIXTH LEGISLATIVE DAY**

Helena, Montana  
February 17, 2007

Senate Chambers  
State Capitol

Senate convened at 8:00 a.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. Senator Elliott excused. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 44

Nays: Balyeat, Gebhardt, Jackson, O'Neil, Shockley.  
Total 5

Absent or not voting: None.  
Total 0

Excused: Elliott.  
Total 1

**REPORTS OF STANDING COMMITTEES**

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Cocchiarella, Chairman):  
**SB 440**, introduced bill, be amended as follows:

2/17/2007

1. Title, line 5 through line 6.  
**Strike:** "AND IN" on line 5 through "BOARD" on line 6  
**Strike:** "SECTIONS" on line 6  
**Insert:** "SECTION"  
**Strike:** "AND 53-2-1204"

2. Page 2, line 16 through line 24.  
**Strike:** section 2 in its entirety  
**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**JUDICIARY** (Laslovich, Chairman):  
**SB 31**, introduced bill, be amended as follows:

2/17/2007

1. Page 1, line 11.  
**Following:** line 10  
**Insert:** "WHEREAS, the Legislature recognizes that the right of parents to the custody and control of their children is based upon the liberties secured by the United States and Montana Constitutions and that a parent's right to that

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custody and control is therefore normally supreme to the interests of other persons; and

WHEREAS, the Legislature also recognizes a growing phenomenon in which absent or otherwise unavailable parents have temporarily surrendered the custody and care of a child to a grandparent or other caretaker relative for a lengthy period of time; and

WHEREAS, the Legislature finds that a caretaker relative frequently offers a child a loving, stable, and secure environment in which to live, make friends, and attend school, which is an environment not provided by a parent who temporarily abandons a child; and

WHEREAS, a child is deprived of that caring and safe environment when a parent returns to claim the child with little or no notice to the caretaker relative; and

WHEREAS, this situation, which in some instances has occurred multiple times with the same child, is disruptive to the more stable life offered by the caretaker relative and may violate the child's rights ensured by Article II, section 15, of the Montana Constitution, such as the right under Article II, section 3, of the Montana Constitution of seeking safety, health, and happiness; and

WHEREAS, for these reasons, it is the purpose of [this act] to exercise the Legislature's police powers for the health and welfare of children who have been abandoned by their parents to the care of relatives and to create a procedure, applicable in limited situations caused by the voluntary surrender of a child by a parent, under circumstances indicating abandonment, whereby a child in the care of a relative may remain with that relative while the issue of abandonment by the parent is reviewed and determined by a court of law; and

WHEREAS, the Legislature believes that this temporary infringement on the right of a parent to the custody and control of a minor child is justified by the possibility of abandonment by the parent, because the welfare of the child is at stake, and because of the likely violation of the child's rights ensured by Article II, section 15, of the Montana Constitution."

2. Page 1, line 14 through page 2, line 9.

**Strike:** section 1 in its entirety

**Renumber:** subsequent sections

3. Page 3, line 17 through line 18.

**Following:** "relative," on line 17

**Strike:** remainder of line 17 through "resides," on line 18

4. Page 3, line 18.

**Following:** the first "and"

**Strike:** "to the local and state offices of"

**Insert:** "may be provided to"

5. Page 3, line 29.

**Following:** "department"

**Strike:** "shall"

**Insert:** "may"

6. Page 4, line 12.

**Following:** line 11

**Insert:** "(c) During or after the 14-day period established under subsection (5)(a), the caretaker relative may commence a parenting plan proceeding under 40-4-211 or petition the court to be appointed the guardian of the minor under 72-5-225."

7. Page 4, line 13 through line 15.

**Following:** "known" on line 13

**Strike:** remainder of line 13 through "chapter" on line 15

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8. Page 4, line 17 through line 18.

**Following:** "relative" on line 17

**Strike:** remainder of line 17 through "considered by the court" on line 18

9. Page 4, line 20.

**Following:** "based"

**Strike:** "only"

10. Page 4, line 20 through line 21.

**Following:** "nonabandonment" on line 20

**Strike:** remainder of line 20 through "relative" on line 21

11. Page 4, line 30.

**Following:** line 29

**Insert:** "(9) As used in this section, the following definitions apply:

(a) "Caretaker relative" or "relative" means an individual related to a child by blood, marriage, or adoption by another individual and who has care and custody of a child but who is not a parent, foster parent, stepparent, or legal guardian of the child.

(b) "Parent" means a biological or adoptive parent or other legal guardian of a child."

12. Page 5, line 1.

**Strike:** "[Sections 1 and 2] are"

**Insert:** "[Section 1] is"

13. Page 5, line 2.

**Following:** "Title" in two places

**Strike:** "41, chapter 3"

**Insert:** "40, chapter 9"

**Strike:** "[sections 1 and 2]"

**Insert:** "[section 1]"

14. Page 2, line 5.

**Strike:** "2(8)(b)"

**Insert:** "1(8)(b)"

15. Page 5, line 7.

**Strike:** "2(8)"

**Insert:** "1(8)"

16. Page 5, line 10.

**Following:** "relative"

**Strike:** ", all as defined in [section 1],"

And, as amended, do pass. Report adopted.

**SB 49**, introduced bill, be amended as follows:

1. Title, line 10.

**Following:** "PROVIDING"

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**Insert:** "AN EFFECTIVE DATE AND"

2. Page 1, line 11.

**Following:** line 10

**Insert:** "WHEREAS, the Legislature recognizes that the rights of parents to the custody and control of a child are based upon liberties secured by the United States and Montana Constitutions and that a parent's rights to that custody and control of a child are therefore normally supreme to the interests of other persons; and

WHEREAS, the Legislature also recognizes a growing phenomenon in which absent or otherwise unavailable parents have temporarily surrendered the custody and care of their children to a grandparent or other relative for lengthy periods of time; and

WHEREAS, regardless of the purpose of the absence, a child willfully surrendered to a relative for an extended time period still has the same needs as a child in the care of its parents; and

WHEREAS, in this situation, a caretaker relative assumes responsibilities for the child but has no legal right of control over the child, a situation that interferes in the caretaker relative's ability to perform routine functions of child rearing, including tending to the educational and educationally related medical needs of the child; and

WHEREAS, it is the purpose of the Legislature in these instances to protect the rights of a child granted by Article II, section 15, of the Montana Constitution by granting a caretaker relative limited authority for a child left in the relative's care; and

WHEREAS, it is the intent of the Legislature that a caretaker relative given the responsibility of caring for a child with little or no warning and without any other provision having been made for the child's care, such as the appointment of a guardian or the provision of a power of attorney, be granted authority to enroll the child in school, discuss with the school district the child's educational progress, and consent to an educational service and to medical care for the child related to an educational service without superseding any parental rights regarding the child; and

WHEREAS, [sections 1 and 2] are not intended to affect the rights and responsibilities of a parent, legal guardian, or other custodian regarding the child, do not grant legal custody of the child to the caretaker relative, and do not grant authority to the caretaker relative to consent to the marriage or adoption of the child or to receive notice of a medical procedure, including abortion, not consented to by the relative, if notice is required by law, for the child except as expressly provided in [sections 1 and 2]."

3. Page 1, line 14 through page 2, line 18.

**Strike:** section 1 in its entirety

**Renumber:** subsequent sections

4. Page 2, line 30.

**Following:** line 30

**Insert:** "(2) A caretaker relative of a child who has voluntarily been given custody of the child by a parent of the child may not enroll the child in school, without the school's permission, if:

(a) the child's residency with the caretaker relative is primarily for the purpose of:

(i) attending a particular school;

(ii) participating in athletics at a particular school; or

(iii) taking advantage of special services or programs offered at a particular school; or

(b) the child is currently subject to an expulsion or suspension at the child's previous school."

**Renumber:** subsequent subsection

5. Page 2, line 30.

**Strike:** "3"

**Insert:** "2"

6. Page 3, line 3.

**Following:** line 2

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**Insert:** "(4) For the purposes of [section 2] and this section, the following definitions apply:

(a) "Caretaker relative" or "relative" means an individual related by blood, marriage, or adoption by another individual to the child whose care is undertaken by the relative, but who is not a parent, foster parent, stepparent, or legal guardian of the child.

(b) "Caretaker relative educational authorization affidavit" or "affidavit" means an affidavit completed in compliance with [section 2].

(c) "Health care provider" means a person who provides medical care.

(d) "Medical care" means care, by a health care provider for which parental consent is normally required, for the prevention, diagnosis, or treatment of a mental, physical, or dental injury or disease when care is needed to prevent serious bodily harm or death to the child.

(e) "Parent" means a biological or adoptive parent or other legal guardian of the child."

7. Page 4, line 11 through line 13.

**Strike:** subsection (9) in its entirety

**Renumber:** subsequent subsection

8. Page 5, line 1.

**Following:** "activity,"

**Insert:** "to circumvent a disciplinary action of a previous school,"

9. Page 6, line 25.

**Strike:** "diseased"

**Insert:** "deceased"

10. Page 6, line 29.

**Strike:** "2"

**Insert:** "1"

11. Page 7, line 3.

**Following:** "1"

**Strike:** "through 3"

**Insert:** "and 2"

12. Page 7, line 11.

**Strike:** "3"

**Insert:** "2"

13. Page 7, line 13.

**Strike:** "3"

**Insert:** "2"

14. Page 7, line 15.

**Strike:** "3"

**Insert:** "2"

15. Page 7, line 19.

**Strike:** "3"

**Insert:** "2"

16. Page 7, line 23.

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**Strike:** "3"  
**Insert:** "2"

17. Page 9, line 16.  
**Strike:** "3"  
**Insert:** "2"

18. Page 10, line 12.  
**Following:** "[Sections 1"  
**Strike:** "through 3"  
**Insert:** "and 2"

19. Page 10, line 13.  
**Following:** "[sections 1"  
**Strike:** "through 3"  
**Insert:** "and 2"

20. Page 10, line 16.  
**Strike:** "3(4)(a)"  
**Insert:** "2(4)(a)"

21. Page 10, line 18.  
**Strike:** "3(4)(a)"  
**Insert:** "2(4)(a)"

22. Page 10, line 19.  
**Strike:** "3(10)"  
**Insert:** "2(9)"

23. Page 10, line 20.  
**Insert:** "NEW SECTION. **Section 9. Effective date.** [This act] is effective July 1, 2007."

24. Page 10, line 22.  
**Following:** "parent"  
**Strike:** ", all" through "October"  
**Insert:** "on or after July"

And, as amended, do pass. Report adopted.

**SB 347**, introduced bill, be amended as follows:

1. Page 1, line 16.  
**Following:** "general"  
**Insert:** "reasonably"

2. Page 1, line 17.  
**Strike:** "and"

3. Page 1, line 19.  
**Following:** "easement"



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**Insert:** "; and

(c) the easement holder fails to fulfill the provisions of Title 76, chapter 6"

And, as amended, do pass. Report adopted.

**NATURAL RESOURCES AND ENERGY** (Lind, Chairman):

2/17/2007

**SB 445**, do pass. Report adopted.

**PUBLIC HEALTH, WELFARE AND SAFETY** (Weinberg, Chairman):

2/17/2007

**SB 155**, introduced bill, be amended as follows:

1. Title, page 1, line 9.

**Following:** "DATE"

**Insert:** "AND A TERMINATION DATE"

2. Page 5, line 15.

**Insert:** "NEW SECTION. Section 7. Termination. [Sections 2 through 4] terminate July 1, 2007."

And, as amended, do pass. Report adopted.

**SB 387**, introduced bill, be amended as follows:

1. Page 1, line 11.

**Following:** "provide"

**Strike:** "and disclose complete"

2. Page 1, lines 15 and 16.

**Following:** "benefit from"

**Strike:** "clear and complete"

3. Page 3, line 30 through page 4, line 2.

**Following:** "(9)"

**Strike:** "An" on line 30 through "screening" on page 4, line 2

**Insert:** "Prior to issuance of an insurance contract or plan under this part, written informational materials describing the contract's or plan's cancer screening coverages must be provided to a prospective group or plan member"

4. Page 4, lines 11 and 12.

**Strike:** subsection (b) in its entirety

**Renumber:** subsequent subsections

5. Page 4.

**Following:** line 29

**Insert:** "(5) Prior to issuance of an individual disability insurance policy, written informational materials describing the policy's cancer screening coverages must be provided to a potential applicant. The informational materials are not subject to filing with and approval of the insurance commissioner."

6. Page 5, line 23.

**Strike:** "33-31-301(3)(f)"

**Insert:** "33-31-301(3)(e)"

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7. Page 5, line 26.

**Strike:** "33-31-301(3)(h)(i)"

**Insert:** "33-31-301(3)(g)(i)"

8. Page 6, lines 24 and 25.

**Strike:** subsection (b) in its entirety

**Renumber:** subsequent subsections

9. Page 7.

**Following:** line 16

**Insert:** "(7) Prior to issuance of a group disability insurance policy, written informational materials describing the policy's cancer screening coverages must be provided to a prospective applicant. The informational materials are not subject to filing with and approval of the insurance commissioner."

10. Page 7, line 29.

**Strike:** "33-31-301(3)(f)"

**Insert:** "33-31-301(3)(e)"

11. Page 11, lines 12 and 13.

**Strike:** subsection (d) in its entirety

**Renumber:** subsequent subsections

12. Page 12, line 3.

**Strike:** "(3)(h)"

**Insert:** "(3)(g)"

13. Page 13.

**Following:** line 11

**Insert:** "(8) Prior to issuance of an evidence of coverage, written informational materials describing the contract's cancer screening coverages must be provided to a prospective applicant. The informational materials are not subject to filing with and approval of the insurance commissioner."

14. Page 12, line 27.

**Strike:** "(3)(f)"

**Insert:** "(3)(e)"

15. Page 14, lines 20 and 21.

**Strike:** subsection (d) in its entirety

**Renumber:** subsequent subsections

16. Page 15, line 11.

**Strike:** "(3)(f)"

**Insert:** "(3)(g)"

17. Page 16, line 5.

**Strike:** "(3)(f)"

**Insert:** "(3)(e)"

18. Page 16.

**Following:** line 18

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**Insert:** "(8) Prior to issuance of evidence of coverage, written informational materials describing the contract's cancer screening coverages must be provided to a potential applicant. The informational materials are not subject to filing with and approval of the insurance commissioner."

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE GOVERNOR**

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **House Bill 21** sponsored by Representative Morgan on February 15, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

**MESSAGES FROM THE OTHER HOUSE**

**House bills** passed and transmitted to the Senate for concurrence: 2/17/2007

**HB 417**, introduced by Hollenbaugh

**House bill** passed and transmitted to the Senate for concurrence: 2/17/2007

**HB 503**, introduced by Gallik

**House bill** passed and transmitted to the Senate for concurrence: 2/17/2007

**HB 520**, introduced by Arntzen

**House joint resolution** passed and transmitted to the Senate for concurrence: 2/17/2007

**HJR 8**, introduced by Hendrick

**House joint resolution** passed and transmitted to the Senate for concurrence: 2/17/2007

**HJR 14**, introduced by Heinert

**House joint resolution** passed and transmitted to the Senate for concurrence: 2/17/2007

**HJR 17**, introduced by Cohenour

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**MOTIONS**

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** moved to have **SB 390** placed under **SJR 6**. Motion carried.

**SEN. TRUDI SCHMIDT, SD 11, GREAT FALLS** moved **SB 390** be re-referred to Finance and Claims Committee. Motion carried with Senators Cobb and Laible voting "no".

**SEN. VICKI COCCHIARELLA, SD 47, MISSOULA** moved to re-refer **SB 516** to Highways and Transportation Committee. Motion carried.

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 531**, introduced by Weinberg, referred to Judiciary.

**SB 532**, introduced by Gallus, referred to State Administration.

**SB 533**, introduced by M. Tropila, Black, referred to Taxation.

**SB 534**, introduced by Wanzenried, referred to State Administration.

**SB 535**, introduced by Cocchiarella, referred to Business, Labor, and Economic Affairs.

**SB 536**, introduced by Perry, Laslovich, referred to Judiciary.

**SB 537**, introduced by Brown, referred to Business, Labor, and Economic Affairs.

**SB 538**, introduced by Elliott, referred to State Administration.

**SB 539**, introduced by Wanzenried, referred to Taxation.

The following Senate joint resolutions were introduced, read first time, and referred to committees:

**SJR 21**, introduced by J. Peterson, referred to State Administration.

**SJR 22**, introduced by Cocchiarella, referred to Highways and Transportation.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Cocchiarella in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 369** - Senator Smith moved **SB 369** do pass. Motion carried as follows:

Yeas: Bales, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 42

Nays: Balyeat, Barkus, Brown, Essmann, McGee, Perry, Shockley, Stapleton.

Total 8

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 412** - Senator Brueggeman moved **SB 412** do pass. Motion carried unanimously.

**SB 444** - Senator Wanzenried moved **SB 444** do pass. Motion carried unanimously.

**SB 118** - Senator Cobb moved **SB 118** do pass. Motion carried with Senator Esp voting nay.

**SB 314** - Senator Steinbeisser moved **SB 314** do pass. Motion carried with Senator Story, Balyeat voting nay.

**SJR 10** - Senator Brown moved **SJR 10** be adopted. Motion carried with Senator Balyeat, Hansen, Gallus, Esp, Larson, Elliott voting nay.

**SJR 6** - Senator Schmidt moved **SJR 6** be adopted. Motion carried with Senator Esp, Balyeat voting nay.

**SB 390** - Senator Juneau moved **SB 390** do pass. Motion **carried** as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Shockley, Smith, Squires, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 30

Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Esp, Essmann, Gebhardt, Jackson, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Stapleton, Steinbeisser, Story, Tash.  
Total 20

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 162** - Senator Schmidt moved **SB 162** do pass. Motion carried unanimously.

**SB 368** - Senator Lind moved **SB 368** do pass. Motion carried unanimously.

**SB 374** - Senator Cooney moved **SB 374** do pass. Motion carried unanimously.

**SB 231** - Senator J. Tropila moved consideration of **SB 231** be passed for the day. Motion carried.

**SB 166** - Senator J. Tropila moved **SB 166** do pass. Motion carried with Senator Cobb voting nay.

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Cocchiarella moved the Committee of the Whole report be adopted. Report adopted unanimously.

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**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 430** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Gillan.

Total 1

**SB 76** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Gillan.

Total 1

**SB 403** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: None.

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Total 0

Absent or not voting: None.

Total 0

Excused: Gillan.

Total 1

**SB 341** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Williams, Mr. President.

Total 47

Nays: Ryan, Weinberg.

Total 2

Absent or not voting: None.

Total 0

Excused: Gillan.

Total 1

**SB 295** passed as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Kitzenberg, Laible, Larson, Laslovich, Lewis, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Williams, Mr. President.

Total 40

Nays: Balyeat, Cobb, Juneau, Kaufmann, Lind, O'Neil, Shockley, Squires, Wanzenried, Weinberg.

Total 10

Paired: Gillan, Aye; Cobb, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 299** passed as follows:

Yeas: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Murphy, Pease, Perry, Ryan, Schmidt, Smith, Squires, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 30

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Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, O'Neil, Peterson, Shockley, Stapleton, Steinbeisser, Story.

Total 20

Paired: Gillan, Aye; McGee, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 301** passed as follows:

Yeas: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lind, Moss, Murphy, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 28

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Lewis, McGee, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 22

Paired: Gillan, Aye; McGee, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 102** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Cobb, Curtiss, Elliott, Esp, Essmann, Gebhardt, Hawks, Jackson, Jent, Juneau, Kitzenberg, Laible, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 40

Nays: Brueggeman, Cocchiarella, Gallus, Hansen, Harrington, Kaufmann, Larson, Squires, J.Tropila.

Total 9

Absent or not voting: None.

Total 0

Excused: Gillan.

Total 1

**SB 130** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann,



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Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Gillan.

Total 1

**SJR 5** adopted as follows:

Yeas: Bales, Balyeat, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 46

Nays: Barkus, Esp, McGee, Stapleton.

Total 4

Paired: Gillan, Aye; McGee, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 41** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: Cobb.

Total 1

Paired: Gillan, Aye; Cobb, No.

Absent or not voting: None.

Total 0

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Excused: None.  
Total 0

**SB 363** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: Gillan.  
Total 1

Paired: Cobb, Aye; Gillan, No.

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 93** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Gillan.  
Total 0

**HB 121** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: McGee.

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Total 1

Paired: Gillan, Aye; McGee, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 12:30 p.m., Monday, February 19, 2007. Motion carried.

Senate adjourned at 10:30 a.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

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60TH LEGISLATURE  
THIRTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana  
February 19, 2007

Senate Chambers  
State Capitol

Senate convened at 12:30 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 43

Nays: Balyeat, Esp, Gebhardt, Jackson, O'Neil, Shockley.  
Total 6

Absent or not voting: None.  
Total 0

Excused: Schmidt.  
Total 1

In honor of Presidents Day holiday Abraham Lincoln addressed the Senate.

**REPORTS OF STANDING COMMITTEES**

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Cocchiarella, Chairman):  
**SB 114**, introduced bill, be amended as follows:

2/19/2007

1. Title, line 5 through line 7.  
**Strike:** "PROVIDING" on line 5 through the first "LIEN;" on line 7

2. Title, line 8.  
**Strike:** ", 71-3-523,"

3. Page 2, line 22 through line 28.  
**Strike:** section 2 in its entirety  
**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**STATE ADMINISTRATION** (Squires, Chairman):  
**SB 63**, introduced bill, be amended as follows:

2/19/2007

1. Title, line 4.  
**Following:** "FOR"  
**Insert:** "THE MEMBERS OF MOST"  
**Strike:** "BOARD"

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2. Title, line 5.

**Strike:** "MEMBERS"

**Insert:** "BOARDS; REVISING THE DAILY PAY RATE OF THE MEMBERS OF CERTAIN BOARDS ATTACHED TO THE DEPARTMENT OF LABOR AND INDUSTRY"

**Strike:** "SECTION"

**Insert:** "SECTIONS"

**Following:** "2-15-124,"

**Insert:** "37-22-201, 37-26-202, 37-28-103, AND 37-34-201,"

3. Page 2.

**Following:** line 13

**Insert:** "Section 2. Section 37-22-201, MCA, is amended to read:

**"37-22-201. Duties of board -- compensation. (1)** The board:

~~(+)(a)~~ shall recommend prosecutions for violations of 37-22-411 and 37-23-311 to the attorney general or the appropriate county attorney, or both;

~~(2)(b)~~ shall meet at least once every 3 months to perform the duties described in Title 37, chapters 1, 22, and 23. The board may, once a year by a consensus of board members, determine that there is no necessity for a board meeting.

~~(3)(c)~~ shall adopt rules that set professional, practice, and ethical standards for social workers and professional counselors and other rules as may be reasonably necessary for the administration of chapter 23 and this chapter; and

~~(4)(d)~~ may adopt rules governing the issuance of licenses of special competence in particular areas of practice as a licensed professional counselor. The board shall establish criteria for each particular area for which a license is issued.

**(2)** Each board member is eligible to receive compensation and travel expenses as provided for in 37-1-133."

**Insert:** "Section 3. Section 37-26-202, MCA, is amended to read:

**"37-26-202. Board meetings -- compensation. (1)** The board shall meet at least once annually.

(2) Special meetings may be called by any two board members or the presiding officer.

**(3)** Each board member is eligible to receive compensation and travel expenses as provided for in 37-1-133."

**Insert:** "Section 4. Section 37-28-103, MCA, is amended to read:

**"37-28-103. Board meetings -- procedure -- compensation -- seal. (1)** (a) The board shall meet at least once a year. The board may convene at the request of the presiding officer or at other times the board determines necessary to transact its business.

(b) The governor shall designate the presiding officer of the board.

**(2)** Each board member is eligible to receive compensation and travel expenses as provided for in 37-1-133.

(3) The board shall adopt a seal by which the board may authenticate its documents."

**Insert:** "Section 5. Section 37-34-201, MCA, is amended to read:

**"37-34-201. Powers and duties of board -- rulemaking authority -- compensation. (1)** The board shall:

(a) meet at least once annually, and at other times as agreed upon, to elect officers and to perform the duties described in Title 37, chapter 1, and this section; and

(b) administer oaths, take affidavits, summon witnesses, and take testimony as to matters within the scope of the board's duties.

(2) The board has the authority to administer and enforce all the powers and duties granted statutorily or adopted administratively.

(3) The board shall adopt rules to administer this chapter. The rules must include but are not limited to:

(a) the development of acceptable certifications for each category of license;

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(b) the establishment of criteria for educational requirements that, at a minimum, meet the standards set forth in 37-34-303; and

(c) a requirement that the supervisor of a clinical laboratory technician be accessible at all times that testing is being performed by the technician in order to provide onsite, telephonic, or electronic consultation.

(4) Each board member is eligible to receive compensation and travel expenses as provided for in 37-1-133."

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**SB 253**, do pass. Report adopted.

**SB 273**, introduced bill, be amended as follows:

1. Title, line 6.

**Following:** "COUNCIL"

**Insert:** "AS A QUASI-JUDICIAL BOARD"

2. Title, line 11.

**Following:** "TRANSITION;"

**Insert:** "TRANSFERRING RESPONSIBILITY FOR CONDUCTING TRAINING FOR JUVENILE PROBATION OFFICERS TO THE OFFICE OF COURT ADMINISTRATOR;"

3. Title, line 12.

**Following:** "44-4-301,"

**Insert:** "44-4-305,"

4. Title, line 13.

**Following:** "MCA;"

**Strike:** "AND"

**Following:** "44-4-302, MCA"

**Insert:** "; AND PROVIDING AN EFFECTIVE DATE"

5. Page 1, line 18.

**Following:** "(1)"

**Insert:** "(a)"

6. Page 1, line 19.

**Following:** "council"

**Strike:** ", which"

**Insert:** ". The council is a quasi-judicial board, as provided for in 2-15-124, and"

7. Page 1, line 20.

**Following:** "2-15-121"

**Insert:** ", except as provided in subsection (1)(b) of this section"

8. Page 1.

**Following:** line 20

**Insert:** "(b) The council may hire its own personnel and independently administer the conduct of its business, and 2-15-121(2)(a), (2)(d), and (3)(a) do not apply."

9. Page 1, line 22.

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**Following:** "to"

**Insert:** "the"

10. Page 2, line 11.

**Strike:** subsection (h) in its entirety

**Renumber:** subsequent subsections

11. Page 2, line 17.

**Following:** "governor"

**Insert:** "in accordance with 2-15-124 and"

12. Page 2, line 19.

**Strike:** "two"

**Insert:** "one"

**Strike:** "representatives"

**Insert:** "representative"

13. Page 3, line 2.

**Strike:** "two"

**Insert:** "three"

14. Page 3, line 3.

**Strike:** "training" through "professionalism"

15. Page 3, line 4 through line 9.

**Strike:** subsections (3) through (5) in their entirety

16. Page 3, line 11.

**Following:** "duties"

**Insert:** "-- determinations -- appeals"

17. Page 3, line 14.

**Strike:** "training"

**Insert:** "public safety officers"

18. Page 3, line 15.

**Strike:** "training"

**Insert:** "public safety officers"

19. Page 3.

**Following:** line 16

**Insert:** "(3) A person who has been denied certification or recertification or whose certification or recertification has been suspended or revoked is entitled to a contested case hearing before the council pursuant to Title 2, chapter 4, part 6, except that a decision by the council may be appealed to the board of crime control, as provided for in 44-4-301. A decision of the board of crime control is a final agency decision subject to judicial review."

20. Page 11, line 6.

**Strike:** "department of justice"

**Insert:** "office of court administrator"

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21. Page 11, line 8 through line 11.

**Strike:** "A" on line 8 through "year." on line 11

22. Page 11, line 13.

**Strike:** "council"

**Insert:** "office of court administrator"

23. Page 11, line 15 through line 17.

**Strike:** "in" on line 15 through "section" on line 17

24. Page 11, line 20.

**Following:** "(+)"

**Insert:** "(1)"

25. Page 11.

**Following:** line 23

**Insert:** "(2) The board shall consider all appeals brought from decisions of the Montana public safety officer standards and training council pursuant to [section 4]. A board member designated as a member of the Montana public safety officer standards and training council, as provided in [section 3], may not participate in appeals brought to the board from decisions of the council. The board shall promulgate rules governing the manner and method of the appeals."

26. Page 12.

**Following:** line 26

**Insert:** "**Section 17.** Section 44-4-305, MCA, is amended to read:

**"44-4-305. Juvenile detention or juvenile corrections officer training.** A juvenile detention or juvenile corrections officer shall, in the first year of employment, complete a basic training course as required in ~~44-4-301~~ [section 4]. The training must be done under the auspices of the Montana law enforcement academy but does not have to occur at the academy.""

**Renumber:** subsequent sections

27. Page 14, line 4.

**Strike:** "[section 3(5)]"

**Insert:** "2-15-124"

28. Page 14.

**Following:** line 19

**Insert:** "NEW SECTION. **Section 25. Effective date.** [This act] is effective July 1, 2007."

And, as amended, do pass. Report adopted.

**SB 279**, introduced bill, be amended as follows:

1. Title, line 5.

**Strike:** "OR BALLOT ISSUES"

2. Title, line 6.

**Strike:** "OR BALLOT ISSUE COMMITTEES"

3. Page 1, line 17.



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**Strike:** "or committees"

4. Page 1, line 20.

**Strike:** "substantially"

5. Page 1, line 22.

**Strike:** ":",

6. Page 1, line 23.

**Strike:** "(a)"

7. Page 1, line 24 through line 26.

**Following:** "endorsements" on line 24

**Strike:** ";" through "13-37-201" on line 26

8. Page 1, line 27.

**Strike:** "and"

9. Page 1, line 28.

**Strike:** "committees"

10. Page 1, line 30.

**Strike:** subsection (b) in its entirety

**Renumber:** subsequent subsections

11. Page 2, line 4.

**Strike:** "and committees"

And, as amended, do pass. Report adopted.

**SB 292**, do pass. Report adopted.

**SB 317**, introduced bill, be amended as follows:

1. Title, line 12.

**Following:** "WEBSITE"

**Insert:** "AND AVAILABLE TO THE NATURAL HERITAGE PROGRAM"

2. Title, line 13.

**Strike:** "IMMEDIATE"

**Strike:** "DATE"

**Insert:** "DATES"

3. Page 2, line 20 through line 23.

**Strike:** "Upon" on line 20 through "recorder" on line 23"

**Insert:** "The county clerk and recorder shall provide a copy of the conservation easement to the department of revenue office in that county within 30 days of the receipt of the original conservation easement"

4. Page 3, line 26.

**Strike:** "act"

**Insert:** "section"

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5. Page 3, line 27.

**Strike:** "act"

**Insert:** "section"

6. Page 3, line 28.

**Following:** line 27

**Insert:** "(2) The department of revenue shall review conservation easement agreements collected pursuant to 76-6-207 and subsection (1) of this section and record the:

(a) legal description of the conservation easement as it relates to the established property boundaries identified in the conservation easement agreement;

(b) approximate acreage as identified in the conservation easement agreement;

(c) date of the conservation easement agreement;

(d) book and page or document number as provided for in 7-4-2617; and

(e) the name of the conservation easement grantee."

**Renumber:** subsequent subsections

7. Page 3, line 29.

**Strike:** "subsection (1)"

**Insert:** "subsections (1) and (2)"

8. Page 4.

**Following:** line 4

**Insert:** "(d) The department of administration shall provide the conservation easement data to the Montana natural heritage program for incorporation into appropriate databases developed or maintained for the purposes of Title 90, chapter 15."

9. Page 4, line 9.

**Strike:** "date"

**Insert:** "dates"

**Strike:** "[This act]"

**Insert:** "(1) Except as provided in subsection (2), [this act]"

**Following:** line 9

**Insert:** "(2) [Section 5] is effective October 1, 2007."

And, as amended, do pass. Report adopted.

**SB 359**, introduced bill, be amended as follows:

1. Title, line 7.

**Following:** "PROMOTE"

**Insert:** "AND DEVELOP PLANS FOR"

2. Page 1, line 16.

**Strike:** "breeding"

3. Page 3, line 30.

**Following:** "shall"

**Strike:** " "

**Insert:** ": (a)"

**Following:** "promote"

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**Insert:** ", within available resources"

4. Page 4, line 1.

**Strike:** "(a)"

**Insert:** "(i)"

**Following:** "breeding"

**Insert:** "and horseracing"

5. Page 4, line 2.

**Strike:** "(b)"

**Insert:** "(ii)"

6. Page 4, line 3.

**Strike:** "(c)"

**Insert:** "(iii)"

**Following:** "industry"

**Insert:** ";

(b) develop and implement a plan of cooperation with other entities interested in horseracing, including but not limited to Indian tribes, neighboring states, neighboring Canadian provinces, and Canada; and

(c) develop a plan to address issues affecting the horseracing industry, including but not limited to the cost of liability insurance, workers' compensation coverage, enhanced purses, and the condition and safety of race tracks"

And, as amended, do pass. Report adopted.

**SB 410**, introduced bill, be amended as follows:

1. Title, line 6.

**Strike:** "AND"

**Following:** "MCA"

**Insert:** "; AND PROVIDING A DELAYED EFFECTIVE DATE."

2. Page 2, line 9.

**Insert:** "NEW SECTION. Section 2. Effective date. [This act] is effective January 1, 2008."

And, as amended, do pass. Report adopted.

**SB 437**, introduced bill, be amended as follows:

1. Page 1, line 14.

**Following:** "7-32-303."

**Insert:** "The provisions of this section do not apply to a person who holds the office of sheriff on or before [the effective date of this act]."

And, as amended, do pass. Report adopted.

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**MESSAGES FROM THE OTHER HOUSE**

**House bill** passed and transmitted to the Senate for concurrence: 2/17/2007  
**HB 35**, introduced by Keane

**House bill** passed and transmitted to the Senate for concurrence: 2/17/2007  
**HB 37**, introduced by Reinhart

**House bill** passed and transmitted to the Senate for concurrence: 2/17/2007  
**HB 204**, introduced by Kasten

**House bill** passed and transmitted to the Senate for concurrence: 2/17/2007  
**HB 350**, introduced by Sinrud

**House bill** passed and transmitted to the Senate for concurrence: 2/17/2007  
**HB 312**, introduced by Lange

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 540**, introduced by Jackson, Cocchiarella, Brown, Squires, Smith, Steinbeisser, Balyeat, Larson, referred to Business, Labor, and Economic Affairs.  
**SB 541**, introduced by Brueggeman, referred to Taxation.  
**SB 542**, introduced by Ryan, referred to Business, Labor, and Economic Affairs.  
**SB 543**, introduced by Balyeat, O'Neil, Perry, Brueggeman, referred to Finance and Claims.  
**SB 544**, introduced by Hansen, Small-Eastman, Glaser, L. Jones referred to Agriculture, Livestock and Irrigation.

**MOTIONS**

**SEN. LYNDIA MOSS, SD 26, BILLINGS** moved **SB 284** do pass for consideration and be placed on the 39th Legislative day agenda. Motion carried.

**SEN. JESSE LASLOVICH, SD 43, ANACONDA** moved **SB 531** be placed in Public Health and Human Services Committee. Motion carried.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Gebhardt in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

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**SB 140** - Senator Weinberg moved **SB 140** do pass. Motion carried unanimously.

**SB 206** - Senator Cobb moved **SB 206** do pass. Motion carried with Senator Esp, Shockley, Balyeat, Jackson voting nay.

**SB 446** - Senator Perry moved **SB 446** do pass. Motion carried unanimously.

**SB 51** - Senator Hawks moved **SB 51** do pass. Motion **carried** as follows:

Yeas: Cocchiarella, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lind, Moss, Murphy, Pease, Ryan, Schmidt, Shockley, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 31

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Jackson, Lewis, McGee, O'Neil, Perry, Peterson, Stapleton, Steinbeisser, Story, Tash.

Total 19

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 103** - Senator Lind moved consideration of **SB 103** be passed for the day. Motion carried.

**SB 110** - Senator Laible moved **SB 110** do pass. Motion **carried** as follows:

Yeas: Bales, Black, Brueggeman, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Weinberg, Williams, Mr. President.

Total 36

Nays: Balyeat, Barkus, Brown, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, O'Neil, Peterson, Stapleton, Wanzenried.

Total 13

Absent or not voting: None.

Total 0

Excused: Kitzenberg.

Total 1

**SB 147** - Senator Shockley moved **SB 147** do pass. Motion carried unanimously.

**SB 276** - Senator Steinbeisser moved **SB 276** do pass. Motion carried with Senator Esp voting nay.

**SB 434** - Senator Cocchiarella moved **SB 434** do pass. Motion carried as follows:

Yeas: Bales, Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Laslovich, Lewis, Lind, Moss, Pease, Perry, Ryan, Schmidt,

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Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 32

Nays: Balyeat, Barkus, Black, Brown, Curtiss, Esp, Essmann, Jackson, Larson, McGee, Murphy, O'Neil, Peterson, Shockley, Steinbeisser, Story, Tash.  
Total 17

Absent or not voting: None.  
Total 0

Excused: Stapleton.  
Total 1

**SB 128** - Senator Laslovich moved **SB 128** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Black, Brueggeman, Cocchiarella, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Perry, Ryan, Schmidt, Shockley, Smith, Squires, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 35

Nays: Barkus, Brown, Cobb, Curtiss, Esp, Gebhardt, Laible, Lewis, McGee, Murphy, O'Neil, Peterson, Stapleton, Steinbeisser, Tash.  
Total 15

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 142** - Senator Lind moved consideration of **SB 142** be passed for the day. Motion carried.

**SB 100** - Senator Jent moved **SB 100** do pass. Motion **carried** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Essmann, Gillan, Hansen, Harrington, Hawks, Jent, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Murphy, Pease, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Williams.  
Total 35

Nays: Curtiss, Esp, Gallus, Gebhardt, Jackson, Juneau, Kaufmann, McGee, Moss, O'Neil, Perry, Peterson, Story, Weinberg, Mr. President.  
Total 15

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed.

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President Cooney in the chair. Chairman Gebhardt moved the Committee of the Whole report be adopted.  
Report adopted unanimously.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 369** passed as follows:

Yeas: Bales, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 46

Nays: Balyeat, Barkus, Brown, Shockley.  
Total 4

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 412** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 444** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

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Nays: McGee.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 118** passed as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 47

Nays: Balyeat, Esp, McGee.  
Total 3

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 314** passed as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 48

Nays: Balyeat, Curtiss.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SJR 10** adopted as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gebhardt, Gillan, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 46



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Nays: Balyeat, Esp, Gallus, Hansen.  
Total 4

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SJR 6** adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 46

Nays: Curtiss, Esp, McGee, Shockley.  
Total 4

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 162** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: McGee.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 368** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 48

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Nays: Cocchiarella, Gillan.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 374** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 166** passed as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 45

Nays: Balyeat, Cobb, Juneau, Kaufmann, Moss.  
Total 5

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SPECIAL ORDERS OF THE DAY**

**SEN. CAROLYN SQUIRES, SD 48, MISSOULA** moved the following nomination of Mike Ferriter, Clancy, Montana as Director of the Department of Corrections be transmitted by the Governor, be concurred in and confirmed and consented to by the Senate in accordance with the resolution set forth under **Senate Resolution No 6. SR 6** carried as follows:

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Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**LEGISLATIVE ADMINISTRATION** (Smith, Chairman):

2/19/2007

MR. PRESIDENT:

We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 12:00 p.m., Saturday, February 17, 2007:

TITLE

NAME

Pages:

Gavin Mathis, Belgrade  
Michelle Rausch, Victor  
Allison Kendall, Plains  
Jacob Fern, Whitefish  
Brandon Mourich, Billings  
Steve Carey, Boulder  
Brenna Howard, Great Falls

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, February 19, 2007:

TITLE

NAME

Pages:

Joe Hickey, Billings  
Stephanie Sloan, Stanford  
Philip Ehrlich, Missoula  
Nora Weber, Great Falls  
Kellyn Woloszyn, Great Falls  
Corey Halter, Big Sandy  
Hannah Goodman, Helena  
Jesse DesRosier, Browning

Report Adopted.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

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Majority Leader Williams moved that the Senate adjourn until 12:30 p.m., Tuesday, February 20, 2007. Motion carried.

Senate adjourned at 3:38 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

**SENATE JOURNAL  
60TH LEGISLATURE  
THIRTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana  
February 20, 2007

Senate Chambers  
State Capitol

Senate convened at 12:30 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. Senator Bales excused. Quorum present.

Yeas: Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams.  
Total 41

Nays: Balyeat, Esp, Gebhardt, Jackson, Kaufmann, O'Neil, Shockley.  
Total 7

Absent or not voting: None.  
Total 0

Excused: Bales, Mr. President.  
Total 2

**MOTIONS**

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** moved the Senate Democrats recess for caucus. Motion carried. **SEN. COREY STAPLETON, SD 27, BILLINGS** moved the Republicans recess for caucus. Motion carried.

The Senate reconvened at 1:30 p.m.

Roll Call. All members present. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 45

Nays: Balyeat, Gebhardt, Jackson, O'Neil, Shockley.  
Total 5

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**REPORTS OF STANDING COMMITTEES**

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Cocchiarella, Chairman):

2/20/2007

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**SB 419**, introduced bill, be amended as follows:

1. Page 1, line 11 through line 30.

**Strike:** subsections (1) through (4) in their entirety

**Insert:** "A health insurance issuer that issues or renews an individual or a group health insurance policy, certificate, or membership contract under which an individual's or employee's dependents are eligible for coverage may not terminate coverage on the basis of the age of an unmarried dependent, as defined in 33-22-140(5)(b), prior to the dependent reaching 26 years of age. Except as otherwise provided by law, the continuation of the coverage of the dependent, as defined in 33-22-140(5)(b), is at the option of the covered employee."

2. Page 5, line 18.

**Strike:** "provide an option"

**Following:** "11."

**Strike:** "for the insured to"

3. Page 5, line 19.

**Following:** the first "dependent"

**Insert:** ", as defined in 33-22-140(5)(b),"

4. Page 7, line 8.

**Strike:** "covered by"

**Insert:** "eligible for coverage under"

**Following:** "child's employer"

**Insert:** "for which the child's premium contribution amount is no greater than the premium amount for coverage as a dependent under a parent's individual or group health plan"

5. Page 13, line 17.

**Strike:** "covered by"

**Insert:** "eligible for coverage under"

**Following:** "child's employer"

**Insert:** "for which the child's premium contribution amount is no greater than the premium amount for coverage as a dependent under a parent's individual or group health plan"

And, as amended, do pass. Report adopted.

**SB 466**, do pass. Report adopted.

**FINANCE AND CLAIMS** (Schmidt, Chairman):

2/20/2007

**SB 112**, do pass. Report adopted.

**SB 243**, do pass. Report adopted.

**NATURAL RESOURCES AND ENERGY** (Lind, Chairman):

2/20/2007

**SB 145**, introduced bill, be amended as follows:

1. Title, lines 9 and 10.

**Strike:** "PROVIDING" on line 9 through "CIRCUMSTANCES;" on line 10

2. Title, line 18.

**Following:** "SECTIONS"

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**Insert:** "45-6-203,"

3. Page 2.

**Following:** line 10

**Insert:** "Section 2. Section 45-6-203, MCA, is amended to read:

**"45-6-203. Criminal trespass to property.** (1) Except as provided in 15-7-139, ~~and~~ 70-16-111, and [section 7], a person commits the offense of criminal trespass to property if the person knowingly:

(a) enters or remains unlawfully in an occupied structure; or

(b) enters or remains unlawfully in or upon the premises of another.

(2) A person convicted of the offense of criminal trespass to property shall be fined not to exceed \$500 or be imprisoned in the county jail for any term not to exceed 6 months, or both."

**Renumber:** subsequent sections

4. Page 2, line 14.

**Following:** ";

**Insert:** "and"

5. Page 2, line 15.

**Strike:** "(ii)" through "and"

**Renumber:** subsequent subsection

6. Page 4, line 27.

**Following:** "ownership."

**Insert:** "No fees may be collected for this purpose except fees provided for in 76-13-201."

7. Page 5, line 4.

**Following:** "owners or"

**Insert:** "local"

**Following:** "agencies"

**Insert:** "organized under Title 7, chapter 33,"

8. Page 5, line 16.

**Following:** "necessary"

**Insert:** ", subject to confirmation by the local county government,"

9. Page 5, line 18.

**Strike:** "6"

**Insert:** "7"

10. Page 5, line 25.

**Following:** "duties"

**Insert:** ", and the provisions of 45-6-203 do not apply to a firewarden acting within the course and scope of the firewarden's duties"

11. Page 5, lines 26 and 27.

**Strike:** subsection (3) in its entirety

**Renumber:** subsequent subsection

12. Page 6, line 6.

**Following:** "department"

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**Insert:** "in those areas where a recognized agency is available"

13. Page 7, line 4.

**Following:** "nonflammable"

**Insert:** "area or"

14. Page 8, line 7.

**Strike:** "All"

**Insert:** "Before each wildfire season, all"

15. Page 10, line 3.

**Strike:** "may"

**Insert:** "must"

16. Page 10, line 4.

**Strike:** the first "or"

**Insert:** "and"

17. Page 10, line 24.

**Strike:** "15"

**Insert:** "16"

18. Page 13, line 6.

**Strike:** "6"

**Insert:** "7"

19. Page 13, line 8.

**Strike:** "6"

**Insert:** "7"

20. Page 13, lines 9 and 10.

**Strike:** "15" in both places

**Insert:** "16" in both places

21. Page 14, line 4.

**Following:** "nonflammable"

**Insert:** "area or"

And, as amended, do pass. Report adopted.

**SB 376**, introduced bill, be amended as follows:

1. Page 1, line 29.

**Following:** "Horse."

**Insert:** "Koocanusa,"

2. Page 2, line 10 through line 20.

**Strike:** subsections (4) and (5) in their entirety

**Insert:** "(4)(a) Subject to subsections (4)(b) and (4)(c), the department may lease up to 1 million acre-feet of



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water from the reservoirs identified in subsection (3)(b) to water users for beneficial uses in Montana.

(b) The department may lease up to 50,000 acre-feet of water from the reservoirs identified in subsection (3)(b) to water users for beneficial uses outside Montana.

(c) The total amount of water leased under this subsection (4) may not exceed 1 million acre-feet."

**Renumber:** subsequent subsections

3. Page 2, line 22.

**Strike:** "(8)"

**Insert:** "(7)"

4. Page 2, line 24.

**Strike:** "(7)"

**Insert:** "(6)"

And, as amended, do pass. Report adopted.

**SB 391**, introduced bill, be amended as follows:

1. Page 2, line 27.

**Following:** "(b)"

**Strike:** "Unless" through "should"

**Insert:** "The board shall provide compelling evidence that conservation easements granted pursuant to this section comply with the multiple-use management concept provided for in 77-1-203 and"

2. Page 2, line 30.

**Following:** "part 8"

**Insert:** ", that were in place prior to the easement being issued"

And, as amended, do pass. Report adopted.

**PUBLIC HEALTH, WELFARE AND SAFETY** (Weinberg, Chairman):

2/20/2007

**SB 186**, introduced bill, be amended as follows:

1. Title, page 1, line 9.

**Strike:** "AND"

**Following:** "MCA"

**Insert:** "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 1, line 29.

**Following:** "20-6-701,"

**Insert:** "with 25 or more employees,"

3. Page 1, line 30.

**Following:** "provide"

**Insert:** "only to insurers or associations specifically identified by the district"

4. Page 2, following line 4.

**Insert:** "(b) Any insurer or association that receives summary health information and large claim information shall provide a fair and reasonable bid and may not refuse to provide coverage to the district as part of the group or association. "

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**Renumber:** subsequent subsection

5. Page 2, following line 14.

**Insert:** "NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

**SB 246**, do pass. Report adopted.

**SB 288**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** "ADOLESCENT"

**Strike:** "OR OUTDOOR"

**Following:** "RESIDENTIAL"

**Insert:** "OR OUTDOOR"

2. Page 2, line 21.

**Following:** "unsuitable"

**Insert:** "by the board"

3. Page 2, line 29.

**Following:** "(1)"

**Insert:** "(a)"

4. Page 2, line 30 through page 3, line 2.

**Following:** "shall"

**Strike:** "provide" on page 2, line 30 through "check" on page 3, line 2

**Insert:** "submit fingerprints for the purpose of fingerprint checks"

5. Page 3.

**Following:** line 3

**Insert:** "(b) Each manager and worker affiliated with the program who will have direct access to a program participant shall sign a release of information to the board. The program is responsible to the department of justice for the payment of all fees associated with the criminal background check.

(c) Upon completion of the criminal background check, the department of justice shall forward to the board, as authorized in 44-5-303, all criminal justice information, as defined in 44-5-103, that involves the conviction of a criminal offense in any jurisdiction concerning any manager or worker affiliated with the program who will have direct access to a program participant.

(d) At the conclusion of any background check required by this section, the criminal background check report must be provided to the board, but the board may not receive the fingerprint card of the person. Upon receipt of the criminal background check report, the department of justice shall promptly destroy the fingerprint card of the person."

6. Page 3, line 4 through line 5.

**Strike:** subsection (2) in its entirety

**Insert:** "(2) If any manager or worker affiliated with the program who will have direct access to a program participant has a history of criminal convictions, then pursuant to 37-1-203, the program has the opportunity to demonstrate to the board that the person is sufficiently rehabilitated to warrant the public trust. If the board determines that the person is not sufficiently rehabilitated, the board may deny the license."

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7. Page 6, line 12.

**Following:** "rehabilitation,"

**Insert:** "secondary care of chemical dependency,"

8. Page 6, line 14.

**Following:** "dysfunctions"

**Strike:** ", "

**Insert:** "or"

**Following:** "impairments"

**Strike:** ", or chemical dependency"

And, as amended, do pass. Report adopted.

**SB 289**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Following:** "FOR"

**Insert:** "ASTHMA,"

**Following:** "ALLERGIES"

**Insert:** ", OR ANAPHYLAXIS"

2. Page 1, line 11.

**Following:** "asthma"

**Insert:** "asthma, severe allergy, or anaphylaxis"

3. Page 1, line 26.

**Following:** "asthma"

**Strike:** "or"

**Insert:** ", "

**Following:** "allergies"

**Insert:** ", or anaphylaxis"

4. Page 2, line 6.

**Following:** "necessary to"

**Strike:** "administer the"

**Insert:** "self-administer the asthma, severe allergy, or anaphylaxis"

5. Page 2, line 20.

**Following:** "self-administration of"

**Insert:** "asthma, severe allergy, or anaphylaxis"

6. Page 2, line 21.

**Following:** "medication"

**Insert:** "expires or the"

7. Page 2, line 23.

**Following:** "asthma"

**Strike:** "or"

**Insert:** ", "

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**Following:** "allergies"

**Insert:** ", or anaphylaxis"

8. Page 3, line 2.

**Following:** "nurse,"

**Insert:** "asthma, severe allergy, or anaphylaxis"

9. Page 3, line 4.

**Following:** "asthma"

**Insert:** ", severe allergy,"

10. Page 3, line 8.

**Following:** "asthma"

**Strike:** "and"

**Insert:** ", severe"

**Following:** "allergy"

**Insert:** ", or anaphylaxis"

And, as amended, do pass. Report adopted.

**SB 354**, introduced bill, be amended as follows:

1. Page 1, line 10.

**Strike:** "3"

**Insert:** "4"

2. Page 1, line 12.

**Strike:** "three insurers"

**Insert:** "top five insurers or third-party administrators"

3. Page 1, line 13.

**Following:** "state"

**Insert:** "in January 2007"

4. Page 1, line 14.

**Following:** "services."

**Insert:** "This January 2007 conversion factor is applicable for state fiscal years 2008, 2009, 2010, 2011, 2012, and 2013. In state fiscal year 2014 and for each state fiscal year thereafter, the conversion factor is the weighted average of the conversion factors used by the top five insurers or third-party administrators providing disability insurance to the most beneficiaries within the state who use the resource-based relative value scale to determine fees for covered services."

5. Page 1, line 26.

**Following:** "reimbursement."

**Insert:** "(1)"

6. Page 1, line 27.

**Following:** "multiplying"

**Insert:** "a percentage of"

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7. Page 1, line 28.

**Following:** "service"

**Insert:** "times any applicable policy adjusters"

8. Page 1, following line 28.

**Insert:** "(2)(a) For state fiscal years 2008 and 2009, the percentage of the conversion factor will be determined by the appropriation of the 2007 legislature for physician reimbursement.

(b) For state fiscal year 2010, the 2009 percentage of the conversion factor will be increased by a minimum of 6%.

(c) For state fiscal year 2011, the 2010 percentage of the conversion factor will be increased by a minimum of 6%.

(d) For state fiscal year 2012, the 2011 percentage of the conversion factor will be increased by a minimum of 6%.

(e) For state fiscal year 2013, the 2012 percentage of the conversion factor will be increased by a minimum of 6%.

(f) For state fiscal year 2014 and for each state fiscal year thereafter, the percentage of the conversion factor will be equivalent, at a minimum, to state fiscal year 2013."

9. Page 1, line 29.

**Insert:** "NEW SECTION. Section 3. Providing conversion factors to department. The top five insurers or third-party administrators shall provide their standard conversion factors to the department, which may be used only for the purpose of determining average conversion rates and which must remain confidential."

**Renumber:** subsequent sections

10. Page 2, line 3.

**Strike:** "3"

**Insert:** "4"

11. Page 2, line 5.

**Strike:** "3"

**Insert:** "4"

And, as amended, do pass. Report adopted.

**SB 397**, do pass. Report adopted.

**SJR 19**, be adopted. Report adopted.

**AGRICULTURE, LIVESTOCK AND IRRIGATION** (Hansen, Chairman):

2/20/2007

**SB 431**, do pass. Report adopted.

**HJR 6**, be concurred in. Report adopted.

**NATURAL RESOURCES AND ENERGY** (Lind, Chairman):

2/20/2007

**SB 145**, introduced bill, be amended as follows:

1. Title, lines 9 and 10.

**Strike:** "PROVIDING" on line 9 through "CIRCUMSTANCES;" on line 10

2. Title, line 18.

**Following:** "SECTIONS"

**Insert:** "45-6-203,"

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3. Page 2.

**Following:** line 10

**Insert:** "Section 2. Section 45-6-203, MCA, is amended to read:

**"45-6-203. Criminal trespass to property.** (1) Except as provided in 15-7-139, ~~and~~ 70-16-111, and [section 7], a person commits the offense of criminal trespass to property if the person knowingly:

(a) enters or remains unlawfully in an occupied structure; or

(b) enters or remains unlawfully in or upon the premises of another.

(2) A person convicted of the offense of criminal trespass to property shall be fined not to exceed \$500 or be imprisoned in the county jail for any term not to exceed 6 months, or both."

**Renumber:** subsequent sections

4. Page 2, line 14.

**Following:** ";

**Insert:** "and"

5. Page 2, line 15.

**Strike:** "(ii)" through "and"

**Renumber:** subsequent subsection

6. Page 4, line 27.

**Following:** "ownership."

**Insert:** "No fees may be collected for this purpose except fees provided for in 76-13-201."

7. Page 5, line 4.

**Following:** "owners or"

**Insert:** "local"

**Following:** "agencies"

**Insert:** "organized under Title 7, chapter 33,"

8. Page 5, line 16.

**Following:** "necessary"

**Insert:** ", subject to confirmation by the local county government,"

9. Page 5, line 18.

**Strike:** "6"

**Insert:** "7"

10. Page 5, line 25.

**Following:** "duties"

**Insert:** ", and the provisions of 45-6-203 do not apply to a firewarden acting within the course and scope of the firewarden's duties"

11. Page 5, lines 26 and 27.

**Strike:** subsection (3) in its entirety

**Renumber:** subsequent subsection

12. Page 6, line 6.

**Following:** "department"

**Insert:** "in those areas where a recognized agency is available"

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13. Page 7, line 4.

**Following:** "nonflammable"

**Insert:** "area or"

14. Page 8, line 7.

**Strike:** "All"

**Insert:** "Before each wildfire season, all"

15. Page 10, line 3.

**Strike:** "may"

**Insert:** "must"

16. Page 10, line 4.

**Strike:** the first "or"

**Insert:** "and"

17. Page 10, line 24.

**Strike:** "15"

**Insert:** "16"

18. Page 13, line 6.

**Strike:** "6"

**Insert:** "7"

19. Page 13, line 8.

**Strike:** "6"

**Insert:** "7"

20. Page 13, lines 9 and 10.

**Strike:** "15" in both places

**Insert:** "16" in both places

21. Page 14, line 4.

**Following:** "nonflammable"

**Insert:** "area or"

And, as amended, do pass. Report adopted.

**PUBLIC HEALTH, WELFARE AND SAFETY** (Weinberg, Chairman):

2/20/2007

**SB 246**, do pass. Report adopted.

**SB 288**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** "ADOLESCENT"

**Strike:** "OR OUTDOOR"

**Following:** "RESIDENTIAL"

**Insert:** "OR OUTDOOR"

2. Page 2, line 21.

**Following:** "unsuitable"

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**Insert:** "by the board"

3. Page 2, line 29.

**Following:** "(1)"

**Insert:** "(a)"

4. Page 2, line 30 through page 3, line 2.

**Following:** "shall"

**Strike:** "provide" on page 2, line 30 through "check" on page 3, line 2

**Insert:** "submit fingerprints for the purpose of fingerprint checks"

5. Page 3.

**Following:** line 3

**Insert:** "(b) Each manager and worker affiliated with the program who will have direct access to a program participant shall sign a release of information to the board. The program is responsible to the department of justice for the payment of all fees associated with the criminal background check.

(c) Upon completion of the criminal background check, the department of justice shall forward to the board, as authorized in 44-5-303, all criminal justice information, as defined in 44-5-103, that involves the conviction of a criminal offense in any jurisdiction concerning any manager or worker affiliated with the program who will have direct access to a program participant.

(d) At the conclusion of any background check required by this section, the criminal background check report must be provided to the board, but the board may not receive the fingerprint card of the person. Upon receipt of the criminal background check report, the department of justice shall promptly destroy the fingerprint card of the person."

6. Page 3, line 4 through line 5.

**Strike:** subsection (2) in its entirety

**Insert:** "(2) If any manager or worker affiliated with the program who will have direct access to a program participant has a history of criminal convictions, then pursuant to 37-1-203, the program has the opportunity to demonstrate to the board that the person is sufficiently rehabilitated to warrant the public trust. If the board determines that the person is not sufficiently rehabilitated, the board may deny the license."

7. Page 6, line 12.

**Following:** "rehabilitation,"

**Insert:** "secondary care of chemical dependency,"

8. Page 6, line 14.

**Following:** "dysfunctions"

**Strike:** ", "

**Insert:** "or"

**Following:** "impairments"

**Strike:** ", or chemical dependency"

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Squires, Chairman):

2/20/2007

SB 91, introduced bill, be amended as follows:



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1. Page 1, line 11.

**Following:** "use."

**Insert:** "(1) A constituent services account is an account established by a person holding a public office in which funds are deposited and used for expenses in representing constituents or for travel or expenses related to the individual's elected position. A public official may establish an account by filing an appropriate form with the commissioner."

**Renumber:** subsequent subsections

2. Page 1, line 12.

**Following:** "account."

**Insert:** "No other funds may be deposited into a constituent services account. Deposits and disbursements from the account are subject to the recordkeeping requirements of Title 13."

3. Page 1, line 13.

**Strike:** "may"

**Insert:** "must"

4. Page 1, lines 14 through 16.

**Strike:** subsection (2) in its entirety

**Renumber:** subsequent subsections

5. Page 1, lines 18 and 19.

**Following:** "must" on line 18

**Strike:** remainder of line 18 through "and" on line 19

And, as amended, do pass. Report adopted.

**SB 96**, introduced bill, be amended as follows:

1. Title, line 15.

**Following:** "SIGNATURES;"

**Insert:** "ALLOWING AN INDIVIDUAL TO SIGN AND SUBMIT A PETITION AND AN AFFIDAVIT ON THE INDIVIDUAL'S OWN BEHALF ONLY;"

2. Page 2, line 7.

**Following:** "(3)"

**Insert:** "(a)"

3. Page 2, line 9.

**Following:** line 8

**Insert:** "(b)(i) In an original proceeding under subsection (3)(a), the petitioner and the attorney general shall certify the absence of factual issues or shall stipulate to and file any factual record necessary to the supreme court's consideration of the attorney general ballot statements or legal sufficiency.

(ii) If the parties to an original proceeding under subsection (3)(a) fail to make the certification or stipulation required by subsection (3)(b)(i), the supreme court shall refer the proceeding to the district court in and for the county of Lewis and Clark for development of a factual record and an order that addresses the issues provided in 13-27-316(3). Any party may appeal the order of the district court to the supreme court by filing a notice of appeal within 5 days of the date of the order of the district court."

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4. Page 14, line 6.

**Following:** "signatures."

**Insert:** "(1)"

**Strike:** "An"

**Insert:** "Except as provided in subsection (2), an"

5. Page 14.

**Following:** line 23

**Insert:** "(2) (a) An individual may directly submit the individual's own signature by submitting an affidavit, in substantially the form provided in this subsection (2)(a). The affidavit must appear on the petition signed by the individual or be attached to the sheet submitted to the county official.

I swear that I, the undersigned, have signed the petition to which this affidavit is attached, that I am a Montana elector who is registered at the address listed below, and that I knew the contents of the petition before signing the petition.

\_\_\_\_\_  
(Signature of signatory on petition)

\_\_\_\_\_  
(Date on which signatory signed the petition)

\_\_\_\_\_  
(Address of signatory)

(b) An individual submitting a petition and affidavit under this subsection (2) may submit the petition and affidavit in person at the office of the county official or by United States mail."

And, as amended, do pass. Report adopted.

**SB 172**, introduced bill, be amended as follows:

1. Page 2, line 22.

**Strike:** "by"

**Insert:** "of"

And, as amended, do pass. Report adopted.

**SB 443**, do pass. Report adopted.

**SB 459**, introduced bill, be amended as follows:

1. Page 3, line 21.

**Following:** "bidder" on line 21

**Insert:** ", if any,"

And, as amended, do pass. Report adopted.

**SR 3**, be adopted. Report adopted.

**SR 5**, be adopted. Report adopted.

**TAXATION** (Elliott, Chairman):

2/20/2007

**SB 416**, do pass. Report adopted.

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**MESSAGES FROM THE OTHER HOUSE**

<b>House bills</b> passed and transmitted to the Senate for concurrence:	2/20/2007
<b>HB 40</b> , introduced by Gallik	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/20/2007
<b>HB 198</b> , introduced by W. Jones	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/20/2007
<b>HB 214</b> , introduced by Windy Boy	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/20/2007
<b>HB 256</b> , introduced by Lake	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/20/2007
<b>HB 305</b> , introduced by Thomas	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/20/2007
<b>HB 1310</b> , introduced by Dutton	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/20/2007
<b>HB 389</b> , introduced by Barrett	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/20/2007
<b>HB 427</b> , introduced by Bergren	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/20/2007
<b>HB 467</b> , introduced by K. Peterson	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/20/2007
<b>HB 468</b> , introduced by McGillvray	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/20/2007
<b>HB 496</b> , introduced by French	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/20/2007
<b>HB 521</b> , introduced by Arntzen	

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**House bill** passed and transmitted to the Senate for concurrence: 2/20/2007

**HB 522**, introduced by Sinrud

**House bill** passed and transmitted to the Senate for concurrence: 2/20/2007

**HB 523**, introduced by Sinrud

**House bill** passed and transmitted to the Senate for concurrence: 2/20/2007

**HB 633**, introduced by Dutton

**House joint resolution** passed and transmitted to the Senate for concurrence: 2/20/2007

**HJR 19**, introduced by Morgan

**MOTIONS**

**SEN. KELLY GEBHARDT, SD 23, ROUNDUP** moved his vote on **SB 140** be changed from "no" to "yes".  
Motion carried.

**SEN. DONALD STEINBEISSER, SD 19, SIDNEY** moved his vote on **SB 128** be changed from "yes" to "no".  
Motion carried.

**SEN. VICKI COCCHIARELLA, SD 47, MISSOULA** moved to re-refer **SB 541** to Business, Labor and Economic Affairs Committee. Motion carried.

**SEN. TRUDI SCHMIDT, SD 11, GREAT FALLS** moved to re-refer **SB 231** to Finance and Claims Committee. Motion carried.

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 545**, introduced by Smith, Small-Eastman, Boggio, Juneau, Stahl, Pease, Bales, Kitzenberg, Bixby, Ankney, referred to Judiciary.

**SB 546**, introduced by Esp, Sands, referred to Judiciary.

**SB 547**, introduced by Perry, Sands, Ankney, Curtiss, Pease, Williams, Bales, Juneau, Stapleton, Jent, Wanzonried, Moss, Laslovich, Cooney, McGee, Brown, Barkus, Laible, Gillan, referred to Judiciary.

The following Senate joint resolution was introduced, read first time, and referred to committee:

**SJR 24**, introduced by Laslovich, referred to Judiciary.

**SJR 25**, introduced by J. Peterson, Ryan, Black, Hawks, Kitzenberg, McGee, Story, referred to Education and Cultural Resources.

**SJR 26**, introduced by Laible, referred to Local Government.

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**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Laslovich in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 22** - Senator Weinberg moved **SB 22** do pass. Motion carried as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 31

Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Esp, Essmann, Jackson, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 19

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 387** - Senator Squires moved **SB 387** do pass. Motion carried unanimously.

**SB 142** - Senator Lind moved **SB 142** do pass. Motion carried unanimously.

**SB 264** - Senator Kaufmann moved **SB 264** do pass. Motion carried as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 30

Nays: Bales, Balyeat, Barkus, Black, Brown, Esp, Essmann, Gebhardt, Jackson, Laible, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 20

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 19** - Senator Kaufmann moved **SB 19**, second reading copy, be amended as follows:

1. Page 2, line 17.  
**Strike: "20"**

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**Insert:** "30"

Amendment **not** adopted as follows:

Yeas: Cobb, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Lind, Moss, Pease, Schmidt, Shockley, Smith, Squires, Wanzenried, Weinberg, Williams, Mr. President.  
Total 19

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Jackson, Laible, Larson, Laslovich, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Ryan, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila.  
Total 30

Absent or not voting: None.  
Total 0

Excused: Esp.  
Total 1

**SB 19** - Senator Kaufmann moved **SB 19**, second reading copy, be amended as follows:

1. Page 2, line 29

**Strike:** "attempt to negotiate"

**Insert:** "negotiate in good faith"

Amendment **not** adopted as follows:

Yeas: Elliott, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Lind, Moss, Pease, Schmidt, Smith, Squires, J.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 19

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gallus, Gebhardt, Gillan, Jackson, Laible, Larson, Laslovich, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Ryan, Shockley, Stapleton, Steinbeisser, Story, Tash, M.Tropila.  
Total 31

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 19** - Senator Shockley moved **SB 19** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hawks, Jackson, Jent, Laible, Larson, Laslovich, Lewis, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Weinberg, Mr. President.  
Total 39

Nays: Hansen, Harrington, Juneau, Kaufmann, Kitzenberg, Lind, Moss, Smith, Squires, Wanzenried, Williams.

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Total 11

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 347** - Senator Shockley moved **SB 347** do pass. Motion carried unanimously.

**SB 321** - Senator Brueggeman moved **SB 321** do pass. Motion carried as follows:

Yeas: Balyeat, Black, Brueggeman, Cobb, Cocchiarella, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Tash, J.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 37

Nays: Bales, Barkus, Brown, Curtiss, Esp, Gebhardt, McGee, O'Neil, Perry, Peterson, Stapleton, Story, M.Tropila.

Total 13

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 453** - Senator Essmann moved **SB 453** do pass. Motion carried with Senator McGee, Shockley voting nay.

**SB 440** - Senator J. Tropila moved **SB 440** do pass. Motion carried unanimously.

Senator Williams moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Laslovich moved the Committee of the Whole report be adopted. Report adopted unanimously.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 140** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

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Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 206** passed as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 45

Nays: Balyeat, Esp, Jackson, O'Neil, Shockley.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 446** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 51** passed as follows:

Yeas: Black, Brueggeman, Cocchiarella, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lind, Moss, Murphy, Pease, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 33

Nays: Bales, Balyeat, Barkus, Brown, Cobb, Curtiss, Esp, Gebhardt, Jackson, Lewis, McGee, O'Neil, Perry,



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Peterson, Steinbeisser, Story, Tash.  
Total 17

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 110** passed as follows:

Yeas: Bales, Black, Brueggeman, Cocchiarella, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 39

Nays: Balyeat, Barkus, Brown, Cobb, Curtiss, Esp, Gebhardt, Jackson, O'Neil, Peterson, Story.  
Total 11

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 147** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 276** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 45

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Nays: Cocchiarella, Esp, Squires, Stapleton, Story.  
Total 5

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 434** passed as follows:

Yeas: Bales, Black, Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 38

Nays: Balyeat, Barkus, Brown, Curtiss, Esp, Essmann, Jackson, Larson, McGee, O'Neil, Peterson, Story.  
Total 12

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 128** passed as follows:

Yeas: Bales, Balyeat, Black, Brueggeman, Cocchiarella, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Pease, Perry, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 37

Nays: Barkus, Brown, Cobb, Curtiss, Esp, Gebhardt, Laible, McGee, Murphy, O'Neil, Peterson, Steinbeisser, Tash.  
Total 13

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 100** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Essmann, Gillan, Hansen, Harrington, Hawks, Jent, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Peterson, Ryan, Schmidt, Shockley, Squires, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Williams.  
Total 35

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Nays: Curtiss, Esp, Gallus, Gebhardt, Jackson, Juneau, Kaufmann, Kitzenberg, O'Neil, Perry, Smith, Stapleton, Story, Weinberg, Mr. President.

Total 15

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senate reconvened at 7:30 p.m.

Roll call: Senator Cobb excused. Quorum present

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 43

Nays: Balyeat, Gebhardt, Jackson, O'Neil, Shockley.

Total 5

Absent or not voting: None.

Total 0

Excused: Cobb, Schmidt.

Total 2

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Laslovich in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 31** - Senator Esp moved **SB 31** do pass. Motion carried unanimously.

**SB 103** - Senator Lind moved **SB 103**, second reading copy, be amended as follows:

1. Title, line 8.

Following: "ALLOWING"

Insert: "CERTAIN"

2. Title, line 15.

Strike: "A CITY OR TOWN"

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Insert: "CERTAIN CITIES AND TOWNS"

3. Page 1, line 30.

Following: "incorporated"

Insert: "third-class"

4. Page 2, line 6.

Strike: "Cities"

Insert: "Third-class cities"

5. Page 2, line 7.

Following: "A"

Insert: "third-class"

6. Page 2, line 14.

Following: "incorporated"

Insert: "third-class"

7. Page 2, line 17.

Following: "incorporated"

Insert: "third-class"

8. Page 3, line 6.

Following: "incorporated"

Insert: "third-class"

9. Page 6, line 23.

Following: "incorporated"

Insert: "third-class"

10. Page 8, line 22.

Following: "incorporated"

Insert: "third-class"

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11. Page 9, line 5.

Following: "incorporated"

Insert: "third-class"

12. Page 9, line 13.

Following: "incorporated"

Insert: "third-class"

13. Page 9, line 15.

Following: "A"

Insert: "third-class"

14. Page 11, line 1.

Following: "incorporated"

Insert: "third-class"

Amendment adopted unanimously.

**SB 103** - Senator Juneau moved **SB 103**, second reading copy, be amended as follows:

1. Title, line 8.

Following: "REQUIRED;"

Insert: "CHANGING THOSE WHO MAY PETITION FOR CREATION, ANNEXATION, DIVISION, AND DISSOLUTION OF RURAL FIRE DISTRICTS FROM FREEHOLDERS TO REGISTERED VOTERS AND CHANGING THE PERCENTAGE OF PETITIONERS REQUIRED;"

2. Page 2, line 4 through line 5.

Strike: "THE OWNERS" on line 4 through "AREA" on line 5

Insert: "40% or more of the registered voters residing in the proposed district"

3. Page 2, line 15.

Strike: "REAL PROPERTY OWNER"

Insert: "registered voter residing"

4. Page 2, line 28.

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Strike: "REAL PROPERTY OWNER"

Insert: "registered voter who resides"

5. Page 2, line 29.

Following: "district"

Insert: "and who owns parcels of land in the proposed district"

Strike: "OWNER'S"

Insert: "voter's"

6. Page 6, line 26.

Strike: "REAL PROPERTY OWNERS OF"

Insert: "Registered voters residing in"

7. Page 6, line 28.

Strike: "MORE THAN 50%"

Insert: "40% or more"

8. Page 6, line 29.

Strike: "REAL PROPERTY OWNERS"

Insert: "registered voters"

9. Page 7, line 11.

Strike: "MORE THAN 50% OF THE REAL PROPERTY OWNERS"

Insert: "40% or more of the registered voters"

10. Page 8, line 4 through line 6.

Strike: "THE OWNERS" on line 4 through "OWNERS" on line 6

Insert: "40% or more of the registered voters residing"

11. Page 8, line 26 through line 27.

Strike: "THE OWNERS" on line 26 through "OWNERS" on line 27

Insert: "40% or more of the registered voters who reside"

12. Page 9, line 8 through line 9.

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Strike: "A MAJORITY OF THE REAL PROPERTY OWNERS OF"

Insert: "at least 40% of the registered voters residing in"

13. Page 9, line 24 through line 25.

Strike: "THE OWNERS" on line 24 through "OWNERS" on line 25

Insert: "40% or more of the registered voters residing"

14. Page 10, line 4 through line 5.

Strike: "THE OWNERS" on line 4 through "OWNERS OF" on line 5

Insert: "40% or more of the registered voters residing in"

15. Page 10, line 26 through line 27.

Strike: "THE OWNERS" on line 26 through "OWNERS OF" on line 27

Insert: "40% or more of the registered voters residing in"

Amendment **not** adopted as follows:

Yeas: Gillan, Harrington, Hawks, Juneau, Kaufmann, Kitzenberg, Larson, Lind, Moss, Pease, Schmidt, Smith, Wanzenried, Weinberg, Williams, Mr. President.

Total 16

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Hansen, Jackson, Jent, Laible, Laslovich, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Ryan, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila.

Total 33

Absent or not voting: None.

Total 0

Excused: Cobb.

Total 1

**SB 103** - Senator Lind moved **SB 103** do pass as amended. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Gillan, Hansen, Hawks, Jackson, Jent, Kitzenberg, Laible, Larson, Laslovich, Lewis, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Williams, Mr. President.

Total 42

Nays: Gallus, Harrington, Juneau, Kaufmann, Lind, Squires, Weinberg.

Total 7

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Absent or not voting: None.  
Total 0

Excused: Cobb.  
Total 1

**SB 442** - Senator Kaufmann moved **SB 442** do pass. Motion carried unanimously.

**SB 231** - Senator Tropila, J. moved **SB 231**, second reading copy, be amended as follows:

1. Page 1, line 11 through line 13.

Strike: line 11 through line 13 in their entirety

2. Page 3, line 7.

Strike: "November"

Insert: "December"

Amendment adopted unanimously.

**SB 231** - Senator Tropila, J. moved **SB 231**, do pass, as amended. Motion carried on voice vote, Senators Barkus, Black, Balyeat, O'neil, Laible, Brown, and Ryan voting no.

**SB 254** - Senator Wanzenried moved **SB 254** do pass. Motion carried as follows:

Yeas: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 27

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 23

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 397** - Senator Gillan moved **SB 397** do pass. Motion carried unanimously.

**SJ 19** - Senator Gillan moved **SJ 19** do pass. Motion carried on voice vote; Senators Esp, O'Neil voting no.

**SB 317** - Senator Lewis moves **SB 317** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott,



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Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 46

Nays: Cobb, Esp, Gebhardt, Smith.  
Total 4

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 443** - Senator Squires moved **SB 443** do pass. Motion carried on voice vote; Senators McGee, Story voting no.

**SB 418** - Senator Weinberg moved **SB 418** do pass. Motion carried on voice vote; Senators Barkus, Balyeat, Brown, McGee, Shockley voting no.

**SB 218** - Senator Lind moved **SB 218** do pass. Motion carried as follows:

Yeas: Bales, Black, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Perry, Ryan, Schmidt, Shockley, Smith, Squires, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 37

Nays: Balyeat, Barkus, Brown, Curtiss, Essmann, Gebhardt, Jackson, McGee, Murphy, O'Neil, Peterson, Stapleton, Steinbeisser.  
Total 13

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Laslovich moved the Committee of the Whole report be adopted. Report adopted unanimously.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 12:30 p.m., Wednesday, February 21, 2007. Motion carried.

Senate adjourned at 10:08 p.m.

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JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

**SENATE JOURNAL  
60TH LEGISLATURE  
THIRTY-NINTH LEGISLATIVE DAY**

Helena, Montana  
February 21, 2007

Senate Chambers  
State Capitol

Senate convened at 12:30 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 45

Nays: Balyeat, Gebhardt, Jackson, O'Neil, Shockley.  
Total 5

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**REPORTS OF STANDING COMMITTEES**

**AGRICULTURE, LIVESTOCK AND IRRIGATION** (Hansen, Chairman): 2/21/2007  
**SB 479**, do pass. Report adopted.

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Cocchiarella, Chairman): 2/21/2007  
**SB 352**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** "RESTRICTIONS"

**Insert:** "WITH QUALIFICATIONS"

2. Page 1, line 19.

**Following:** "town"

**Insert:** "if that third-class city or town requires new firefighters over the age of 34 to pass a physical agility test as designated by the third-class city or town"

And, as amended, do pass. Report adopted.

**SB 465**, introduced bill, be amended as follows:

1. Page 4, line 4.

**Strike:** subsection (10) in its entirety

And, as amended, do pass. Report adopted.

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**SB 475**, do pass. Report adopted.

**SB 524**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** "BREWERIES"

**Insert:** "AND WINE BY WINERIES"

2. Page 2, line 25.

**Following:** "brewery"

**Insert:** ", "

**Strike:** "or"

3. Page 2, line 26.

**Following:** "winery,"

**Insert:** ", or wholesaler"

And, as amended, do pass. Report adopted.

**FINANCE AND CLAIMS** (Schmidt, Chairman):

2/21/2007

**SB 113**, do pass. Report adopted.

**FISH AND GAME** (Tropila, Chairman):

2/21/2007

**SJR 18**, be adopted. Report adopted.

**HIGHWAYS AND TRANSPORTATION** (Pease, Chairman):

2/21/2007

**SB 463**, introduced bill, be amended as follows:

1. Title, line 4.

**Strike:** "GOVERNING REQUIRED"

**Insert:** "RELATED TO"

2. Page 1, line 13.

**Strike:** "shall"

**Insert:** "may"

And, as amended, do pass. Report adopted.

**SJR 22**, be adopted. Report adopted.

**JUDICIARY** (Laslovich, Chairman):

2/21/2007

**SB 192**, introduced bill, be amended as follows:

1. Title, line 5 through line 6.

**Strike:** "AND" on line 5 through "LOCATION"

2. Page 1, line 11.

**Following:** "knowingly"

**Insert:** "or purposely"

3. Page 1, line 13.

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**Strike:** "5 years"  
**Insert:** "1 year"  
**Strike:** "\$50,000"  
**Insert:** "\$10,000"

4. Page 1, line 15 through line 28.  
**Strike:** section 2 in its entirety  
**Renumber:** subsequent section

5. Page 1, line 30.  
**Strike:** "Sections"  
**Insert:** "Section"  
**Strike:** "and 2"  
**Strike:** "are"  
**Insert:** "is"

6. Page 2, line 1.  
**Strike:** "sections"  
**Insert:** "section"  
**Strike:** "and 2"  
And, as amended, do pass. Report adopted.

**SB 383**, introduced bill, be amended as follows:

1. Title, lines 6 and 7.  
**Following:** "TRUST;" on line 6  
**Insert:** "AND"  
**Strike:** "SECTION" on line 6  
**Insert:** "SECTIONS 71-1-228,"  
**Following:** "71-1-321,"  
**Insert:** "AND 76-3-201,"

**Following:** "MCA" on line 6  
**Strike:** remainder of line 6 through "DATE" on line 7

2. Page 2, line 4.  
**Following:** "include"  
**Insert:** "not only full monetary payment, but also"

3. Page 2, line 19.  
**Strike:** "the legal title to"  
**Insert:** "a security interest in"

4. Page 2, line 22.  
**Following:** "conveying"  
**Insert:** "a security interest in"

5. Page 4, line 12.  
**Strike:** "to be"

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**Strike:** "only"

6. Page 4, line 13.

**Strike:** "that"

**Insert:** "only if that fictitious deed of trust"

7. Page 5, line 6.

**Following:** "recorded,"

**Insert:** "the recorder's document number, if any,"

8. Page 5, line 7.

**Following:** "trustee"

**Strike:** ", and the"

**Insert:** ". The"

9. Page 5, line 15.

**Following:** "interest"

**Insert:** "and record the reconveyance at the trustee's expense"

10. Page 5, line 30.

**Following:** line 29

**Insert:** "(a) the obligation secured by the deed of trust has been fully paid by the trustor or the trustor's successor in interest and evidence of the full payment has been provided to the title insurer or title insurance producer;"

**Renumber:** subsequent subsections

11. Page 6, line 13.

**Following:** "section"

**Insert:** "6 or"

12. Page 6, line 26.

**Following:** "INFORMATION:"

**Insert:** "Recorded on \_\_\_\_\_, 20\_\_"

13. Page 6, line 30.

**Following:** line 29

**Insert:** "affecting real property located in \_\_\_\_\_ County, Montana."

14. Page 7, line 2.

**Following:** "warranty,"

**Insert:** "and record the reconveyance"

15. Page 7, line 9.

**Following:** "trust"

**Insert:** "and record the reconveyance"

16. Page 7, line 25.

**Strike:** "trustors"

**Insert:** "trustor"

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17. Page 8, line 9.

**Following:** the first "("

**Insert:** "Acknowledgment -"

18. Page 10, line 4.

**Strike:** "foreclosure"

**Insert:** "trustee's sale"

19. Page 12, line 15.

**Following:** "obtained a"

**Strike:** "foreclosure"

**Insert:** "trustee's sale"

**Following:** "The"

**Strike:** "foreclosure"

**Insert:** "trustee's sale"

20. Page 12, line 17.

**Strike:** "foreclosure"

**Insert:** "trustee's sale"

21. Page 12, line 19.

**Following:** "in the"

**Strike:** "foreclosure"

**Insert:** "trustee's sale"

22. Page 12, line 23.

**Following:** "trustor"

**Insert:** "by ordinary first-class mail, and a second copy must be mailed to the trustor by certified mail, both with postage prepaid"

23. Page 12, lines 29 and 30.

**Following:** "provided in" on line 29

**Strike:** remainder of line 29 through "(7)" on line 30

**Insert:** "[section 20]"

24. Page 13, line 5.

**Strike:** "instrument"

**Insert:** "document"

**Following:** "number,"

**Insert:** "if any,"

25. Page 13, line 16.

**Following:** "right to"

**Insert:** "cure the default and"

26. Page 13, line 24.

**Strike:** "and"

**Insert:** "or"

27. Page 13, line 30.

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**Strike:** "You"

**Insert:** "Prior to the expiration of the cure period, you"

28. Page 14, line 1.

**Following:** "made"

**Insert:** ", together with foreclosure-related expenses"

29. Page 14, line 23.

**Strike:** "boldface"

30. Page 14, line 24.

**Strike:** "boldface"

31. Page 14, line 26.

**Following:** "purchaser"

**Insert:** "who takes"

**Following:** the first "faith"

**Insert:** "for value and without notice"

**Following:** "encumbrancer"

**Insert:** "who takes"

32. Page 14, line 29.

**Strike:** "date"

**Insert:** "data"

33. Page 15, line 1.

**Following:** "foreclosed"

**Insert:** "as well as at any subsequent address of the trustor actually known to the trustee"

34. Page 15, line 18.

**Following:** "county"

**Insert:** "or for which a notice of contract for deed has been recorded in the county"

35. Page 15, line 20.

**Following:** "recorded"

**Insert:** "or for which a notice of the option or right has been recorded in the county"

36. Page 15, line 23.

**Following:** "located"

**Insert:** ";

(h) other lienholders or encumbrancers of record"

37. Page 15, line 26.

**Following:** "persons"

**Insert:** "identified in subsections (6)(b) through (6)(h) who is"

38. Page 16, line 5.



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**Following:** "action."

**Insert:** "All notices are effective upon deposit in the U.S. mail with postage prepaid. [Section 20] and this section require that notices of default and notices of sale be sent by both first-class mail and certified mail."

39. Page 16, line 10.

**Strike:** "foreclosure"

**Insert:** "trustee's sale"

40. Page 16, line 28.

**Strike:** "foreclosure"

**Insert:** "trustee's sale"

41. Page 18, line 1.

**Following:** "such as"

**Insert:** "loan installment payments,"

**Following:** "taxes"

**Insert:** ", "

42. Page 18, line 24.

**Strike:** "of"

**Insert:** "in"

43. Page 18, line 25.

**Following:** "filed"

**Insert:** "by the trustor or the trustor's successor in interest"

44. Page 18, lines 27 and 28.

**Following:** "(2)" on line 27

**Strike:** remainder of line 27 through "date" on line 28

45. Page 19, line 3.

**Following:** "sale"

**Insert:** "that is made"

**Strike:** "an"

**Insert:** "a prohibiting"

46. Page 20, line 22.

**Following:** "bid, the"

**Insert:** "foreclosing"

47. Page 20, line 24.

**Following:** "between the"

**Insert:** "foreclosing"

48. Page 20, line 25.

**Following:** "of the"

**Insert:** "foreclosing"

49. Page 21, line 19.

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**Following:** "by"  
**Insert:** "reason of"

50. Page 21, line 27.  
**Strike:** "and"  
**Insert:** "under"

51. Page 22, line 3.  
**Strike:** "20-day"

52. Page 23, line 8.  
**Strike:** "or"  
**Insert:** "and"

53. Page 23, line 29.  
**Following:** "shall"  
**Insert:** "within 10 days after the sale"

54. Page 23, line 30.  
**Strike:** "19(3)"  
**Insert:** "19(6)"

55. Page 24, line 7.  
**Following:** "mortgage,"  
**Insert:** "trust indenture,"

56. Page 24, line 13.  
**Following:** "amount of"  
**Insert:** "court filing fees and"

57. Page 24, line 14.  
**Following:** "court;"  
**Insert:** "and"

58. Page 24, lines 15 and 16.  
**Following:** "court" on line 15  
**Insert:** "a petition for determination under subsection (3), together with the originals of"  
**Following:** "documents" on line 15  
**Strike:** remainder of line 15 through "interest" on line 16

59. Page 24, line 19.  
**Following:** "hearing."  
**Insert:** "Upon receipt of the court's determination, the clerk of court shall discharge the funds in accordance with the court's determination."

60. Page 24, line 22.  
**Insert:** "**Section 27.** Section 71-1-228, MCA, is amended to read:  
      "**71-1-228. Rights of redemption applicable.** All of the rights, powers, and privileges concerning the

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redemption from sales of real estate applicable to the sales of real estate under foreclosure proceedings or sales under execution ~~shall must~~ be granted and allowed to sales of real estate under and by virtue of the power of sale contained in any mortgage or deed of trust in this state, except to sales of real estate under and by virtue of the power of sale conferred upon a trustee under a trust indenture as defined in the Small Tract Financing Act of Montana or a deed of trust governed by [sections 1 through 26].""

61. Page 25, line 3.

**Insert:** "Section 29. Section 76-3-201, MCA, is amended to read:

**"76-3-201. Exemption for certain divisions of land -- fees for examination of division.** (1) Unless the method of disposition is adopted for the purpose of evading this chapter, the requirements of this chapter may not apply to any division of land that:

(a) is created by order of any court of record in this state or by operation of law or that, in the absence of agreement between the parties to the sale, could be created by an order of any court in this state pursuant to the law of eminent domain, Title 70, chapter 30;

(b) subject to subsection (3), is created to provide security for mortgages, liens, deeds of trust, or trust indentures for the purpose of construction, improvements to the land being divided, or refinancing purposes;

(c) creates an interest in oil, gas, minerals, or water that is severed from the surface ownership of real property;

(d) creates cemetery lots;

(e) is created by the reservation of a life estate;

(f) is created by lease or rental for farming and agricultural purposes;

(g) is in a location over which the state does not have jurisdiction; or

(h) is created for rights-of-way or utility sites. A subsequent change in the use of the land to a residential, commercial, or industrial use is subject to the requirements of this chapter.

(2) Before a court of record orders a division of land under subsection (1)(a), the court shall notify the governing body of the pending division and allow the governing body to present written comment on the division.

(3) An exemption under subsection (1)(b) applies:

(a) to a division of land of any size;

(b) if the land that is divided is not conveyed to any entity other than the financial or lending institution to which the mortgage, lien, deed of trust, or trust indenture was given or to a purchaser upon foreclosure of the mortgage, lien, deed of trust, or trust indenture. A transfer of the divided land, by the owner of the property at the time that the land was divided, to any party other than those identified in this subsection (3)(b) subjects the division of land to the requirements of this chapter.

(c) to a parcel that is created to provide security as provided in subsection (1)(b). The remainder of the tract of land is subject to the provisions of this chapter if applicable.

(4) The governing body may examine a division of land to determine whether or not the requirements of this chapter apply to the division and may establish reasonable fees, not to exceed \$200, for the examination.""

**Renumber:** subsequent sections

62. Page 25, line 8.

**Strike:** section 29 in its entirety

And, as amended, do pass. Report adopted.

**SB 411**, do pass. Report adopted.

**SB 424**, do pass. Report adopted.

**SB 536**, introduced bill, be amended as follows:

1. Title, line 6.

**Following:** "LINES"

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**Insert:** "AND APPURTENANT FACILITIES"

2. Page 3, line 12.

**Following:** "lines"

**Insert:** "and appurtenant facilities"

And, as amended, do pass. Report adopted.

**LOCAL GOVERNMENT** (Gillan, Chairman):  
**SB 349**, introduced bill, be amended as follows:

2/21/2007

1. Title, line 5.

**Strike:** "CITY-COUNTY"

**Insert:** "CITY"

**Strike:** "THE NINTH"

**Insert:** "A"

2. Title, lines 6 and 7.

**Strike:** "IF" on line 6 through "DISTRICT" on line 7

**Insert:** "UNDER CERTAIN CIRCUMSTANCES"

**Strike:** "76-1-201"

**Insert:** "76-1-221"

3. Page 1, line 19 through line 21.

**Strike:** "WHEREAS" on line 19 through "; and" on line 21

4. Page 1, line 23.

**Strike:** "city-county"

**Insert:** "city"

5. Page 1, line 30 through page 2, line 21.

**Strike:** section 1 in its entirety

**Insert:** "**Section 1.** Section 76-1-221, MCA, is amended to read:

**"76-1-221. Membership of city planning board.** (1) A city planning board ~~shall consist~~ consists of ~~not less~~ no fewer than seven members to be appointed as follows:

(a) one member to be appointed by the city council from its membership;

(b) one member to be appointed by the city council, who may in the discretion of the city council be an employee or hold public office in the city or county in which the city is located;

(c) one member to be appointed by the mayor upon the designation by the county commissioners of the county in which the city is located;

(d) four citizen members to be appointed by the mayor, two of whom ~~shall~~ must be resident ~~freeholders~~ real property owners within the urban area, if any, outside of the city limits over which the planning board has jurisdiction under this chapter and two of whom ~~shall~~ must be resident ~~freeholders~~ real property owners within the city limits; and

(e) if the boundaries for which the city planning board is established include any portion of a conservation district, one member to be appointed by the conservation district board of supervisors who must be:

(i) a conservation district supervisor or associate supervisor; and

(ii) a resident of the city or urban area, if any, outside the city limits over which the planning board has jurisdiction.

(2) The clerk of the city council shall certify members appointed by its body. The certificates shall be sent

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to and become a part of the records of the planning board. The mayor shall make similar certification for the appointment of citizen members.""

6. Page 2, line 25.

**Strike:** "city-county"

**Insert:** "city"

7. Page 2, line 27.

**Strike:** "City-county"

**Insert:** "City"

And, as amended, do pass. Report adopted.

**PUBLIC HEALTH, WELFARE AND SAFETY** (Weinberg, Chairman):

2/21/2007

**SJR 7**, be adopted. Report adopted.

**TAXATION** (Elliott, Chairman):

2/21/2007

**SB 439**, introduced bill, be amended as follows:

1. Title, line 6.

**Strike:** "NONRESIDENT"

2. Page 2, line 2.

**Strike:** subsection (a) in its entirety

**Renumber:** subsequent subsections

3. Page 2.

**Following:** line 8

**Insert:** "(2) (a) The provisions of [sections 1 through 12] do not apply to a remitter that produces less than 50,000 barrels of oil and less than 300,000 thousand cubic feet of gas annually. The department shall determine a remitter's annual production of oil and gas based upon a 3-year rolling average of the remitter's annual production as reported by the remitter to the Montana board of oil and gas conservation.

(b) Each producer that is exempted from withholding under subsection (2)(a) shall make an annual return to report royalty payments that exceed the dollar amounts in subsection (3). The return must be made under rules adopted by the department and be as nearly identical as possible to federal rules for internal revenue service form 1099 under section 6041, et seq., of the Internal Revenue Code, 26 U.S.C. 6041, et seq."

**Renumber:** subsequent subsection

4. Page 2.

**Following:** line 13

**Insert:** "(4) The department may, by rule, establish minimum royalty amounts subject to withholding under the provisions of [sections 1 through 12], other than for oil and gas production, if the department determines that the withholding against the minimal amount of royalties is inefficient."

5. Page 4, line 1 through line 3.

**Strike:** subsection (8) in its entirety

And, as amended, do pass. Report adopted.

**SB 507**, do pass. Report adopted.

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**MESSAGES FROM THE OTHER HOUSE**

<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/20/2007
<b>HB 77</b> , introduced by Clark	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/20/2007
<b>HB 157</b> , introduced by Caferro	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/20/2007
<b>HB 397</b> , introduced by Ward	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/20/2007
<b>HB 450</b> , introduced by Pomnichowski	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/20/2007
<b>HB 459</b> , introduced by Heinert	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/20/2007
<b>HB 487</b> , introduced by Hiner	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/20/2007
<b>HB 497</b> , introduced by Pomnichowski	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/20/2007
<b>HB 5791</b> , introduced by Olson	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/20/2007
<b>HB 585</b> , introduced by Keane	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/20/2007
<b>HB 594</b> , introduced by Stahl	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/20/2007
<b>HB 616</b> , introduced by McChesney	

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bill was introduced, read first time, and referred to committee:

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**SB 548**, introduced by Perry, McGee, Stapleton, Barkus, referred to Judiciary.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 22** passed as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, Tash, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 31

Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Esp, Essmann, Gebhardt, Jackson, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story.

Total 19

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 387** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 48

Nays: Esp, McGee.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 142** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 264** passed as follows:

Yeas: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 28

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 22

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 19** adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Harrington, Hawks, Jackson, Jent, Juneau, Kitzenberg, Laible, Larson, Laslovich, Lewis, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Weinberg, Mr. President.  
Total 42

Nays: Hansen, Kaufmann, Lind, Moss, Smith, Squires, Wanzenried, Williams.  
Total 8

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 347** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Squires, Stapleton, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 46

Nays: Esp, Smith, Steinbeisser, Story.  
Total 4



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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 321** passed as follows:

Yeas: Balyeat, Black, Brueggeman, Cobb, Cocchiarella, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 39

Nays: Bales, Barkus, Brown, Curtiss, Esp, Gebhardt, McGee, O'Neil, Perry, Story, M.Tropila.  
Total 11

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 453** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 42

Nays: Brown, Curtiss, Esp, Laible, McGee, Shockley, Squires, Stapleton.  
Total 8

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 440** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 31** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 103** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Kitzenberg, Laible, Larson, Laslovich, Lewis, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J. Tropila, M. Tropila, Wanzenried, Williams, Mr. President.  
Total 45

Nays: Gallus, Juneau, Kaufmann, Lind, Weinberg.  
Total 5

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 442** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 397** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SJR 19** adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 47

Nays: Esp, McGee, O'Neil.  
Total 3

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 317** adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 47

Nays: Esp, Gebhardt, Smith.  
Total 3

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 443** adopted as follows:

Yeas: Bales, Balyeat, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 46

Nays: Barkus, McGee, Stapleton, Story.  
Total 4

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 418** adopted as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 44

Nays: Balyeat, Brown, Cobb, Curtiss, McGee, Shockley.  
Total 6

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 254** adopted as follows:

Yeas: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 27

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 23

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 218** adopted as follows:

Yeas: Bales, Balyeat, Black, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Pease, Perry, Ryan, Schmidt, Shockley, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 38

Nays: Barkus, Brown, Curtiss, Essmann, Jackson, Murphy, O'Neil, Peterson, Stapleton, Steinbeisser, Story, Tash.  
Total 12

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**MOTIONS**

**SEN. DON RYAN, SD 10, GREAT FALLS** moved to change his vote from "no" to "yes" on **SB 440**. Motion carried.

**SEN. JERRY BLACK, SD 14, SHELBY** moved to change his vote from "yes" to "no" on **SB 264**. Motion carried.

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** moved the Senate recess and proceed to the House to hear U.S. Senator Max Baucus' address. Motion carried.

Good afternoon. Mr. Speaker. Mr. President. Members of the House and Senate. Visitors joining us in the gallery. Distinguished guests: Lt. Governor Bohlinger, State Auditor John Morrison, Superintendent Linda McCullough, Secretary of State Brad Johnson, Attorney General Mike McGrath, Members of the Supreme Court

**Working together**

Thanks for inviting me to speak today. I appreciate you taking time out of your busy calendar. I know you have a lot of work getting ready for transmittal. As author Sam Ewing once said, "Hard work spotlights the character of people: some turn up their sleeves, some turn up their noses, and some don't turn up at all."

Montana's history has been the story of courageous, gutsy men and women who forged ahead. Men and women with calloused hands, sturdy backs, and fortitude passed down from generation to generation. Whether it's the miners who built the biggest copper mine in the country. Janette Rankin --the first woman to get elected to the US Congress. Railroaders who built lines across our state. Farmers and ranchers. Or even [Evel] Knievel, who wanted to make the longest jump in the world.

Our values were chiseled out of the bedrock of Montana. We learned them from our parents, who learned them from their parents. Values of hard work, honesty, common sense, faith, and community. We don't shy away from

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challenges or hard work. We come from good, Montana stock. And we're proud of it.

Every time I come back to the legislature, I remember hard work. Good, solid hard work. Working breakfasts. Packed committee hearings.

I represented Missoula. I sat next to Doc Norman. I remember the heated debates. Nobody pulled punches. I remember the long nights. The early meetings. The weekends. I remember the debates. I remember trying to fit it all into 90 days. I'm glad to see that Representative Jopek is still making good use of my desk! Thanks, Mike. Let's give Mike a big hand!

I was here in 1973. I don't think Kendall Van Dyk was even born yet! Kendall's doing a great job.

That was also back when my friend Hal Harper was serving in the House --- as a Republican! I remember the people I worked with. People I admired. Giants like Francis Bardanouve and Verner Berterlson. We had our challenges back then just as you do today.

But it was in this Chamber that I learned the value of working together. It was here -- during the 43rd Legislative Assembly -- where I learned that partisanship doesn't serve the noble purpose of legislating.

I learned that digging in your heels and fighting with each other doesn't help make Montanans' lives any better. Remember, nothing of consequence ever happens unless people work together. A partisan victory never lasts...a compromise is more durable.

When I was here, Democrats held a slight majority in both chambers. But we had to work together. Now, 30 years later, I'm still working together to get things done.

When I think about what it means to work together, I look no further than Mike Mansfield. Our Mike. My friend and mentor. He was the man who served with presidents and foreign dignitaries. He led the country as the longest serving Senate Majority Leader -- during some tumultuous times, I might add.

But Mike never forgot his roots or the people he represented. He said to me once, "Max we represent all of Montana -- Democrats and Republicans. We represent everybody." He made a point of telling me that. And it stuck with me.

I'm reminded of that conversation by an old northwest Montana newspaper story.

They characterized Mike during his first year in the Senate this way:

"His philosophy (the newspaper wrote) is that he is a Democrat, yes, but first he is a U.S. Senator. He is sometimes liberal, sometimes conservative. But uppermost in his mind is this thought: What is best for the people? Mike Mansfield is an individualist. (the newspaper wrote) But he will work with anyone and everyone when he feels the net result will produce something beneficial to the nation and Montana." End quote.

Let's work hard, like Montanans do. But let's also look to Mike's example and work together.

## **IRAQ**

Before I continue I want to take a moment to recognize the contribution Montana has made to the war in Iraq and Afghanistan. We may not all agree on the best course of action in Iraq. But we all agree on one thing: it's time for the government of Iraq to stand on its own. And it's time for our Montana men and women to come home as soon as possible.

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Seventeen Montanans have died over there. They were sons. And fathers. And brothers. And husbands. They served their country admirably.

Please stand up. Stand with me and recognize the Montanans who have paid the ultimate sacrifice.

Travis Arndt, age 23, Bozeman  
Phillip Baucus, age 28, Wolf Creek  
Andrew Bedard, age 19, Missoula  
Nicholas William Bloem, age 20, Belgrade  
Scott Dykman, age 27, Helena  
Aaron Holleyman, age 26, Glasgow  
Joshua Hyland, age 31, Missoula  
Charles Komppa, age 35, Belgrade  
Michael MacKinnon, age 30, Helena  
Robbie McNary, age 42, Lewistown  
Dean Pratt, age 22, Stevensville  
Edward Saltz, age 27, Bigfork  
Jeremy Sandvick Monroe, age 20, Chinook  
Raleigh Smith, age 21, Troy  
Kristofor Stonesifer, age 28, Missoula  
Owen Witt, age 20, Sand Springs  
Matthew Zeimer, age 18, Glendive

Thank you. We honor all of these brave Montanans.

**CHIP**

The war in Iraq clearly is one of the most pressing issues facing our country. But the main thing that I want to talk to you about today is on the domestic front. It's health care.

Everywhere I go – from the café in Miles City to the lumber mill in Western Montana -- I hear the same thing. It's health care. It's the high cost of health care. I could be talking about the Farm Bill on the Hi-Line and health care comes up.

And it's not just in Montana. I hear it all over the country.

I hear stories from people who are barely squeaking by – month to month – because so much of their income goes to health care. And it's not just the single mother working two jobs. It's small business owners. And teachers. Farmers. And the elderly. It's everybody. We clearly have to do something.

We won't fix our nation's health care system overnight. It's just too big of a bite to take at once. But we *can* begin to chip away at the problem piece by piece.

Ultimately, this nation is going to have to have universal health care.

That is health care for everyone. We're the only industrialized nation without universal health care. South Africa has it. We don't. It's not right.

As we begin to tackle this problem there's no better place to start than with our kids.

As parents, we can usually make our kids feel better with some ice cream, a few good movies, and a big hug. Yet, sometimes Disney and Ben & Jerry's aren't enough to help when they're sick. As a parent, I know the heartache and worry that goes along with seeing your child sick and hurting.

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I applaud Governor Schweitzer for his strong leadership and vision on health care.

I applaud the legislature -- you all -- and the people of Montana for making tough choices and sacrifices.

We thank Auditor Morrison and my friend Senator Jon Tester for the Insure Montana program. It has helped put more affordable health insurance within reach for hundreds of Montana families, small business owners and their workers. And it's only just getting started.

I also applaud Senator John Cobb and Representative Edith Clark for their vision on health care. That's the kind of working together we need.

But the most important thing that we can do -- right away -- is help our kids. That's why we must renew and expand the Children's Health Insurance Program, so that more kids can get coverage.

Why is CHIP so important? Think for a minute about people who can barely afford to heat their homes or feed their kids -- let alone pay for health care. That's what CHIP does for them. It makes sure their kids -- at least their kids -- get coverage.

I'm reminded about a young woman in Helena. Single mom. Her son was diagnosed with epilepsy -- shortly after he lost his private insurance coverage. Other plans wouldn't cover the expensive drugs he needed.

She learned about CHIP. Got him enrolled. Now he's getting the medical care and drugs he needs. I don't know what they would have done without CHIP. I honestly don't know what they would have done.

Folks, it's a real program serving real people who need real help. But despite our best efforts, 37,000 Montana kids don't have any health insurance at all. That means 37,000 Montana families are teetering on the edge. One bike accident. A fall down the stairs. An injury on the basketball court could drive them into bankruptcy. Or worse. That's just wrong.

Those are decisions no Montanan should have to face. What's more, these numbers are rising. Over the last 5 years, the number of uninsured Montana kids has spiked 10 percent. And most of that jump came from young kids -- 5 years old or younger.

Remember that the first 5 years of a child's life establish a blueprint for that child's future. Missing the yearly doctor's appointment or going without shots can dramatically affect the building blocks to a child's development.

CHIP also makes sense as an investment. Studies show that kids who are healthy growing up do better in life. It's really pretty simple:

1. A child who's healthy can go to school.
2. A child who's healthy in school is more likely to do well.
3. A child who does well in school is more likely to get a job.
4. And people with jobs are less likely to end up in jail or on public assistance.

Those shots, that physical, treating that little boy's epilepsy will pay dividends to society. CHIP is a good health care program, yes, but it's also a solid investment.

#### **A Little History**

Here's a little history for you. I was very proud to help write the CHIP program in 1997. I remember working long hours with both Republicans and Democrats. I remember thinking to myself that this is really neat. It's something very special. Important. I can say passing CHIP was one of my proudest accomplishments in Congress -- ever. Since then, CHIP has become the most successful children's health program in history. It now provides



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coverage to more than 6 million American kids.

After the president signed the CHIP bill into law in August 1997, it was time for the states to decide whether or not to join the program.

That's when I came here to Helena personally to lobby for it. I made the pitch. And you did the right thing and passed it. That was 10 years ago. Since then, nearly 40,000 Montana kids have been helped by CHIP.

1. 40,000 kids with names like Beth, Johnny, Paul, Cindy, and Ben.
2. 40,000 kids who got shots and prescriptions and surgeries.
3. 40,000 kids – some of whom might be the next State Senator from Eureka or Representative from Laurel.

It's been a huge success in Montana. Now the CHIP program needs to be renewed before it expires on September 30<sup>th</sup> of this year.

And, as you may know, I recently became Chairman of the Senate Finance Committee, which is a really big deal for Montana. We have jurisdiction over most health care programs, all taxes and revenue, Social Security, and international trade.

We also have jurisdiction over CHIP.

As Chairman, I get to set the agenda. And I've made renewing and expanding CHIP my top health care priority for this year. It's Number 1. We will pass a CHIP bill THIS year. You can take it to the bank.

**Let's Make A Deal**

And that's why I'm back here today. Because I want to make a deal with you. And here it is: I'll expand CHIP in Washington, if you expand CHIP in Helena. That's the deal. I'll do my part in Washington. You do your part here in Helena.

As for my part, I'll use my chairmanship to get Montana more federal dollars to run the program and cover more kids. I'm asking you to do your part and expand eligibility. I know Montana has been working to expand Medicaid and increase the number of children eligible for CHIP. Thank all of you who've been involved in that effort. It's very important. Unfortunately, we still rank second-to-last in the nation in CHIP eligibility. We're at 150 percent of the poverty level.

We are second in the nation only to North Dakota. That's not like us. We're Montanans.

Finishing 49th in a 50-state marathon is not your way, not my way, not the Montana way. It's contrary to our can-do Montana spirit and the values our parents taught us. Did you know that more than half the states now provide CHIP to children up to 200 percent of the poverty level? Did you know that nearly a third of states cover children at even higher eligibility rates?

Consider this. At 200 percent of the poverty level, a family of three is making about \$34,000 a year. But family health insurance can cost \$12,000 a year or more. That's nearly a third of a family's income -- before taxes.

It's foolhardy to expect them to afford *that* much for health care.

Here in the Senate, Senator Weinberg's bill raises Montana's eligibility level. And I know Representative Caferro has been working on CHIP in the House. I commend both of them for their hard work.

I'm also proud to be one of the first people to congratulate the Senate for expanding CHIP. Just moments ago they passed Senator Weinberg's bill on 3<sup>rd</sup> reading.

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Now the House will have the chance to take up CHIP. I urge you to do that. Do it as soon as you can.

So that's my deal. I'll provide dollars in Washington, if you expand CHIP here at home.

Look it. I served here, so I know you don't like to be told what to do. That's not what I'm doing. I'm asking you. I'm asking you to make a deal with me.

Call it a 'fair deal.' Call it a 'square deal.' Call it whatever you like. But let's expand CHIP so Montana parents don't have to lay awake at night worrying about their kids.

Let's rise above partisanship. Let's heed the example of Mike Mansfield and do what's right.

I think Governor Schweitzer said it best. He said, quote: "We're not blue, we're not red, we're not purple. We're Montanans."

And remember what the Gospel of Luke tells us: "To whom much has been given, much is expected."

We've been given an awful lot. Now it's time lead. That's what our employers want. We're just the employees. We're just the hired hands. It's not about who gets the credit or the blame. It's not about the headlines. It's about representing our 900,000 bosses. It's time to reach across the partisan divide, work together, honor our Montana heritage, and carry the mantle of a bright future for our kids.

Do that, and Montana will thank you.

The Senate reconvened at 1:42 p.m.

Roll Call. All members present. Quorum present.

Yeas: Bales, Barkus, Brown, Brueggeman, Cobb, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 42

Nays: Balyeat, Gebhardt, Jackson, McGee, Shockley.

Total 5

Absent or not voting: None.

Total 0

Excused: Black, Cocchiarella, O'Neil.

Total 3

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Story in the chair.

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Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 155** - Senator Williams moved **SB 155** do pass. Motion carried as follows:

Yeas: Bales, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 40

Nays: Balyeat, Barkus, Curtiss, Esp, Jackson, McGee, O'Neil, Shockley, Stapleton, Story.

Total 10

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 64** - Senator Cobb moved **SB 64** do pass. Motion carried as follows:

Yeas: Black, Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Smith, Squires, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 29

Nays: Bales, Balyeat, Barkus, Brown, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Schmidt, Shockley, Stapleton, Steinbeisser, Story.

Total 21

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 114** - Senator Larson moved **SB 114** do pass. Motion carried unanimously.

**SB 127** - Senator Wanzenried moved **SB 127**, second reading copy, be amended as follows:

1. Page 2, line 1.

**Following:** "brewery"

**Insert:** ", wholesaler,"

Amendment adopted unanimously.

**SB 127** - Senator Wanzenried moved **SB 127**, as amended, do pass. Motion carried with Senator McGee voting nay.

**SB 68** - Senator Wanzenried moved **SB 68** do pass. Motion carried with Senator Weinberg, Elliott, M. Tropila

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voting nay.

**SB 55** - Senator Ryan moved **SB 55** do pass. Motion carried as follows:

Yeas: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 27

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 23

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 79** - Senator Laible moved **SB 79** do pass. Motion carried with Senator McGee voting nay.

**SB 112** - Senator Lewis moved **SB 112** do pass. Motion carried unanimously.

**SB 243** - Senator Balyeat moved **SB 243** do pass. Motion carried unanimously.

**SB 246** - Senator Gallus moved **SB 246** do pass. Motion carried unanimously.

**SB 63** - Senator Cobb moved **SB 63** do pass. Motion carried with Senator Balyeat voting nay.

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Story moved the Committee of the Whole report be adopted. Report adopted unanimously.

President Cooney in the chair.

**SPECIAL ORDERS OF THE DAY**

**SEN. CAROLYN SQUIRES, SD 48, MISSOULA** moved **SR 3**. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: McGee.  
Total 1

Absent or not voting: None.  
Total 0

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Excused: None.  
Total 0

**SEN. CAROLYN SQUIRES, SD 48, MISSOULA** moved **SR 5**. Motion carried as follows:

Yeas: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 28

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 22

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 12:30 p.m., Friday, February 23, 2007. Motion carried.

Senate adjourned at 3:20 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

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60TH LEGISLATURE  
FORTIETH LEGISLATIVE DAY**

Helena, Montana  
February 22, 2007

Senate Chambers  
State Capitol

Senate convened at 12:30 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 44

Nays: Balyeat, Curtiss, Jackson, O'Neil, Lind, Shockley.  
Total 6

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**REPORTS OF STANDING COMMITTEES**

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Cocchiarella, Chairman):

2/22/2007

**SB 490**, do pass. Report adopted.

**SB 540**, introduced bill, be amended as follows:

1. Title, line 7.

**Following:** "OF AN"

**Insert:** "ANTIQUE"

2. Title, line 9.

**Strike:** "SECTION"

**Insert:** "SECTIONS"

**Following:** "23-5-152"

**Insert:** "AND 23-5-153"

3. Page 2, lines 23 and 24.

**Following:** "An"

**Insert:** "antique"

**Following:** "by a" on line 23

**Strike:** remainder of line 23 through "operation" on line 24

**Insert:** "person licensed by the department to sell antique slot machines and antique illegal gambling devices "as provided in 23-5-153"

4. Page 2, line 25.

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**Insert:** "Section 2. Section 23-5-153, MCA, is amended to read:

**"23-5-153. Possession and sale of antique slot machines and other antique illegal gambling devices.** (1) For the purposes of this section, an antique slot machine is a mechanically or electronically operated slot machine that at any present time is more than 25 years old. An antique illegal gambling device is an illegal gambling device that at any present time is more than 25 years old.

(2) Except as provided in subsection (3), an antique slot machine or antique illegal gambling device may be possessed, located, and operated only in a private residential dwelling.

(3) (a) An antique slot machine or antique illegal gambling device may be possessed or located for purposes of display only and not for operation:

(i) in a public or private museum; or

(ii) in any other public place if the machine or device has been made permanently inoperable for purposes of conducting a gambling activity.

(b) A licensed manufacturer-distributor or a person licensed under subsection (4) may possess antique slot machines and antique illegal gambling devices for purposes of commercially selling or otherwise supplying the machines.

(4) A person other than a licensed manufacturer-distributor may not sell more than three antique slot machines or three antique illegal gambling devices in a 12-month period without first obtaining from the department an annual license for selling the machines or other antique illegal gambling devices. The fee for the license is \$50 a year. The fee must be retained by the department for administrative purposes. The department may not issue a license under this subsection to a licensed operator.

(5) A person or entity legally possessing ~~a~~ an antique slot machine or illegal gambling device under subsection (2) or (3) may sell or otherwise supply a machine or device to another person or entity who may legally possess a ~~slot machine~~ or device.

(6) An antique slot machine or antique illegal gambling device may not be operated for any commercial or charitable purpose."

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**EDUCATION AND CULTURAL RESOURCES** (Ryan, Chairman):

2/22/2007

**SB 129**, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 7.

**Strike:** "IMPOSING" on line 5 through "LAWS;" on line 7

**Insert:** "RECOMMENDING THAT A SCHOOL BOARD OF TRUSTEES ADOPT A TRUANCY POLICY;"

2. Page 1, line 14.

**Strike:** "-- parental penalties"

3. Page 1, line 17.

**Following:** "parent"

**Strike:** ", "

**Insert:** "or"

4. Page 1, line 17 through line 19.

**Strike:** ", or other" on line 17 through "section" on line 19

**Insert:** "of the truancy or nonenrollment"

5. Page 1, line 21 through line 22.

**Following:** "parent"

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**Strike:** " 1 "

**Insert:** "or"

**Following:** "guardian"

**Strike:** ", or" on line 21 through "jurisdiction" on line 22

**Insert:** "with the local school board of trustees"

6. Page 1, line 23.

**Strike:** "If convicted,"

7. Page 1, line 23 through line 24.

**Strike:** "the parent" on line 23 through "fined;" on line 24

8. Page 1, line 30 through page 2, line 2.

**Strike:** "(a)" on page 1, line 30 through "jail" on page 2, line 2

**Insert:** "The board of trustees shall consider adopting a school board policy that:

(a) involves parents and guardians in all truancy prevention activities;

(b) ensures that students face firm sanctions for truancy;

(c) creates meaningful incentives for parental responsibility;

(d) establishes ongoing truancy prevention programs in school;

(e) includes communities and neighborhoods in developing truancy interventions; and

(f) addresses the unique needs of each child and considers developing initiatives to combat the root causes of truancy"

9. Page 4, line 6 through line 7.

**Strike:** "absences" on page 4, line 6 through "excuse" on page 4, line 7

**Insert:** "that a child has been truant five or more times within a semester"

10. Page 6, line 13 through line 14.

**Strike:** "from" on page 6, line 13 through "day" on page 6, line 14

**Insert:** "for at least one period of school a day"

And, as amended, do pass. Report adopted.

**SJR 12**, be adopted. Report adopted.

**SJR 488**, be adopted. Report adopted.

**FINANCE AND CLAIMS** (Schmidt, Chairman):

2/22/2007

**SB 390**, do pass. Report adopted.

**SJR 11**, be adopted. Report adopted.

**SJR 23**, be adopted. Report adopted.

**JUDICIARY** (Laslovich, Chairman):

2/22/2007

**SB 202**, introduced bill, be amended as follows:

1. Page 7, line 28.

**Following:** "shall"

**Strike:** "immediately"

**Insert:** "within 24 hours"

2. Page 10, line 6.



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**Following:** "shall"  
**Strike:** "immediately"  
**Insert:** "within 24 hours"

3. Page 10, line 26.  
**Following:** line 25  
**Strike:** "immediately"  
**Insert:** "within 24 hours"

4. Page 11, line 30.  
**Strike:** subsection (d) in its entirety  
**Renumber:** subsequent subsections

5. Page 14, line 3 through line 5.  
**Following:** the first "commissioner" on line 3  
**Strike:** remainder of line 3 through the first "candidate" on line 5

6. Page 14, line 6.  
**Following:** "equal to"  
**Insert:** "10 times the value of"

7. Page 14, line 7 through line 12.  
**Following:** "obligation" on line 7  
**Strike:** remainder of line 7 through "expenditures" on line 12

8. Page 14, line 14 through line 16.  
**Following:** "given" on line 14  
**Strike:** remainder of line 14 through the first "candidate" on line 16

9. Page 19, line 3.  
**Strike:** "\$300,000"  
**Insert:** "\$1 million"

And, as amended, do pass. Report adopted.

SB 294, introduced bill, be amended as follows:

1. Title, line 4 through line 5.  
**Following:** "CLARIFYING" on line 4  
**Strike:** remainder of line 4 through "CLARIFYING" on line 5

2. Title, line 6 through line 7.  
**Strike:** "SECTIONS" on line 6  
**Insert:** "SECTION"  
**Strike:** the second "AND" on line 6 through "72-5-317" on line 7

3. Page 2, line 24.  
**Strike:** line 24 in its entirety

4. Page 2, line 25.

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**Strike:** "(b)"  
**Insert:** "(6)"

5. Page 2, line 26.

**Strike:** "(i)"  
**Insert:** "(a)"

**Renumber:** subsequent subsection

6. Page 2, line 29 through page 3, line 26.

**Strike:** section 2 in its entirety

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**SB 382**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** "FOR"

**Strike:** "MENTALLY ILL"

**Following:** "OFFENDERS"

**Insert:** "WITH A MENTAL DISORDER"

2. Title, line 7.

**Following:** "AMENDING"

**Strike:** "SECTIONS"

**Insert:** "SECTION"

**Following:** "3-10-303"

**Strike:** "AND 46-16-130"

3. Page 1, line 12 through line 13.

**Following:** "the" on line 12

**Strike:** remainder of line 12 through "Treatment" on line 13

**Insert:** "'Mental Health Treatment Court'"

4. Page 1, line 17.

**Following:** line 16

**Strike:** "mentally ill offenders"

**Insert:** "persons with a mental disorder who are charged with a criminal offense"

5. Page 1, line 22.

**Following:** line 21

**Strike:** "a mentally ill"

**Insert:** "an"

**Following:** "offender"

**Insert:** "with a mental disorder"

6. Page 1, line 24.

**Following:** "mental"

**Strike:** "illness"

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**Insert:** "health"

7. Page 1, line 25.

**Following:** "of"

**Strike:** "mentally ill offenders"

**Insert:** "participants"

8. Page 2, line 2.

**Following:** "with"

**Insert:** "a"

**Following:** "mental"

**Strike:** "illness"

**Insert:** "disorder"

9. Page 2, line 7.

**Following:** "that"

**Strike:** "may consist of"

**Insert:** ":

(a) must include"

10. Page 2, line 8.

**Strike:** "(a)"

**Insert:** "(i)"

11. Page 2, line 9.

**Strike:** "(b)"

**Insert:** "(ii)"

12. Page 2, line 10.

**Strike:** "(c)"

**Insert:** "(iii)"

**Following:** "attorney;"

**Insert:** "(iv) the participant; and

(v) the mental health treatment court coordinator; and

(b) may include the following additional members:"

13. Page 2, line 11.

**Strike:** "(d)"

**Insert:** "(i)"

14. Page 2, line 12.

**Strike:** subsection (e) in its entirety

15. Page 2, line 13.

**Strike:** "(f)"

**Insert:** "(ii)"

16. Page 2, line 14.

**Strike:** "(g)"

**Insert:** "(iii)"

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17. Page 2, line 15.

**Strike:** "(h)"

**Insert:** "(iv)"

18. Page 2, line 16.

**Strike:** "(i)"

**Insert:** "(v)"

**Following:** "services;"

**Strike:** "and"

19. Page 2, line 17.

**Following:** line 16

**Insert:** "(vi) a mental health advocate; and"

20. Page 2, line 17.

**Strike:** "(j)"

**Insert:** "(vii)"

21. Page 2, line 22.

**Strike:** subsection (9) in its entirety

**Renumber:** subsequent subsections

22. Page 2, line 23.

**Following:** "(10)"

**Strike:** "'Mentally ill offender'"

**Insert:** "'Participant'"

23. Page 2, line 23 through line 24.

**Following:** "which" on line 23

**Strike:** remainder of line 23 through "illness" on line 24

**Insert:** "a mental disorder, as defined in 53-21-102,"

24. Page 2, line 24.

**Following:** "of"

**Strike:** "an"

**Insert:** "the"

25. Page 2, line 25.

**Following:** "before a"

**Strike:** "mentally ill offender's"

**Insert:** "participant's"

26. Page 2, line 27.

**Strike:** "offender's"

**Insert:** "participant's"

27. Page 2, line 28.

**Following:** "drug"

**Insert:** ", but does not include inadvertent error in the use of medication"

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28. Page 3, line 3.

**Following:** "which"

**Strike:** "mentally ill offenders"

**Insert:** "persons with a mental disorder who are charged with a criminal offense"

29. Page 3, line 8 through line 11.

**Following:** "agreement" on line 8

**Strike:** remainder of line 8 through "agreement" on line 11

30. Page 3, line 17 through line 28.

**Following:** "agreement" on line 17

**Strike:** remainder of line 17 through "court." on line 28

**Insert:** "for failure to comply with the agreement. Prior to imposition of a sanction, the mental health treatment court team shall review the participant's individual treatment program and the participant's conduct. If the mental health treatment court team determines that the participant's failure to comply:

(a) was not willful, was a symptom of a mental disorder, or was a result of an inappropriate treatment plan, the court may impose sanctions, including:

(i) fines;

(ii) extension of time in the program;

(iii) peer review; or

(iv) geographical restrictions; or

(b) was willful, not a symptom of a mental disorder, and not the result of an inappropriate treatment plan, the court may impose sanctions, including:

(i) a short-term jail sentence;

(ii) termination of participation in the program; or

(iii) contempt of court."

31. Page 3, line 29.

**Following:** "court, a"

**Strike:** "mentally ill offender's"

**Insert:** "participant's"

32. Page 4, line 3.

**Following:** "A"

**Strike:** "mentally ill offender"

**Insert:** "participant"

**Following:** "program"

**Strike:** "may"

**Insert:** "must"

33. Page 4, line 4.

**Following:** "the time the"

**Strike:** "offender"

**Insert:** "participant"

34. Page 4, line 8.

**Following:** "regarding"

**Strike:** "mentally ill offenders"

**Insert:** "participants"

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35. Page 4, line 9.

**Following:** "determining the"

**Strike:** "offender's"

**Insert:** "participant's"

36. Page 4, line 12.

**Following:** "only to"

**Strike:** "offenders"

**Insert:** "persons with a mental disorder who are charged with a criminal offense"

37. Page 4, line 14.

**Following:** "to"

**Strike:** "mentally ill offenders"

**Insert:** "participants"

38. Page 4, line 21.

**Following:** "Each"

**Strike:** "mentally ill offender"

**Insert:** "participant"

39. Page 4, line 24.

**Following:** "concerning the"

**Strike:** "mentally ill offender's"

**Insert:** "participant's"

40. Page 5, line 5.

**Following:** "that"

**Strike:** "mentally ill offenders"

**Insert:** "participants"

41. Page 5, line 8.

**Following:** "a"

**Strike:** "mentally ill offender's"

**Insert:** "participant's"

42. Page 5, line 9.

**Following:** "upon"

**Strike:** "objective medical diagnostic criteria"

**Insert:** "evidence-based treatment principles"

43. Page 5, line 12.

**Following:** "for"

**Strike:** "mentally ill offenders"

**Insert:** "participants"

44. Page 5, line 16.

**Following:** the second "that"

**Strike:** "an offender"

**Insert:** "a participant"

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45. Page 5, line 19.

**Following:** "refer the"

**Strike:** "mentally ill offender"

**Insert:** "participant"

46. Page 5, line 21.

**Following:** "to"

**Strike:** "mentally ill offenders"

**Insert:** "participants"

47. Page 5, line 22 through line 23.

**Following:** "of the" on line 22

**Strike:** remainder of line 22 through "offender's" on line 23

**Insert:** "participant's"

48. Page 5, line 24 through line 25.

**Strike:** subsection (6) in its entirety

49. Page 5, line 27 through line 28.

**Following:** "(1)" on line 27

**Strike:** remainder of line 27 through "court." on line 28

**Insert:** "There is a mental health treatment court federal resources account in the federal special revenue fund that is administered by the office of court administrator."

50. Page 6, line 2.

**Following:** "A"

**Strike:** "mentally ill offender"

**Insert:** "participant"

51. Page 6, line 3.

**Following:** "by a"

**Strike:** "mentally ill offender"

**Insert:** "participant"

52. Page 6, line 4.

**Following:** "the"

**Strike:** "mentally ill offender's"

**Insert:** "participant's"

53. Page 6, line 6.

**Following:** "from"

**Strike:** "an offender"

**Insert:** "a participant"

54. Page 6, line 17 through line 18.

**Following:** "the" on line 17

**Strike:** remainder of line 17 through "offender" on line 18

**Insert:** "participant"

55. Page 7, line 11 through page 8, line 8.

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**Strike:** section 10 in its entirety  
**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**SB 385**, introduced bill, be amended as follows:

1. Page 2, line 13.

**Following:** "not"

**Strike:** "less than 2 years or"

2. Page 2, line 17.

**Following:** "not"

**Strike:** "less than 2 years or"

3. Page 3, line 11.

**Following:** "not"

**Strike:** "less than 2 years or"

4. Page 3, line 15.

**Following:** "not"

**Strike:** "less than 2 years or"

And, as amended, do pass. Report adopted.

**SB 426**, introduced bill, be amended as follows:

1. Page 1, line 23.

**Following:** "(3)"

**Insert:** "(a)"

2. Page 1, line 24.

**Strike:** "(a)"

**Insert:** "(i)"

3. Page 1, line 26.

**Strike:** "(b)"

**Insert:** "(ii)"

4. Page 1, line 28.

**Following:** line 27

**Insert:** "(b) For purposes of this subsection (3), if reasonable costs and attorney fees would otherwise be payable under subsection (3)(a) and the claimant is not represented by an attorney, the claimant must be paid the claimant's reasonable costs and, in lieu of attorney fees, an amount equal to \$50 per hour for the claimant's time spent on the matter."

5. Page 2, line 13.

**Following:** "~~only~~"

**Insert:** "only"



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6. Page 2, line 21 and line 22.

**Strike:** "chapter 71 or 72 of this title"

**Insert:** "this chapter"

7. Page 2, line 27.

**Following:** line 26

**Insert:** "(c) For purposes of this subsection (4), if reasonable costs and attorney fees would otherwise be payable under subsection (4)(a) and the claimant is not represented by an attorney, the claimant must be paid the claimant's reasonable costs and, in lieu of attorney fees, an amount equal to \$50 per hour for the claimant's time spent on the matter."

And, as amended, do pass. Report adopted.

**SB 433**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** "AMENDING"

**Strike:** "SECTIONS 46-18-201 AND"

**Insert:** "SECTION"

2. Page 1, line 10 through page 4, line 3.

**Strike:** section 1 in its entirety

**Insert:** "NEW SECTION. Section 1. Termination of remaining portion of deferred or suspended sentence -- petition. (1) When imposition of a sentence has been deferred or execution of a sentence has been suspended, the prosecutor or defendant may file a petition to terminate the time remaining on the sentence if:

(a) in the case of a deferred imposition of sentence, the defendant has served one-half of the sentence and has demonstrated compliance with supervision requirements; or

(b) in the case of a suspended sentence:

(i) the defendant has served two-thirds of the time suspended; and

(ii) the defendant has been granted a conditional discharge from supervision under 46-23-1011 and has demonstrated compliance with the conditional discharge for a minimum of 12 months.

(2) The court may hold a hearing on the petition on its own motion or upon request of the prosecutor or the defendant.

(3) The court may grant the petition if it finds that:

(a) termination of the remainder of the sentence is in the best interests of the defendant and society;

(b) termination of the remainder of the sentence will not present an unreasonable risk of danger to the victim of the offense; and

(c) the defendant has paid all restitution and court-ordered financial obligations in full."

3. Page 4, line 8.

**Following:** line 7

**Strike:** "vacation"

**Insert:** "termination"

**Strike:** "46-18-201(9)"

**Insert:** "[section 1]"

4. Page 4, line 16.

**Following:** line 15

**Insert:** "NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 46, chapter 18, part 2, and the provisions of Title 46, chapter 18, part 2, apply to [section 1]."

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And, as amended, do pass. Report adopted.

**SB 447**, introduced bill, be amended as follows:

1. Page 2, line 6.

**Following:** "subsection"

**Strike:** "(6)(b)"

**Insert:** "(6)(c)"

2. Page 2, line 7 through line 8.

**Following:** "filed" on line 7

**Strike:** remainder of line 7 through "offense" on line 8

**Insert:** "in the court file"

3. Page 2, line 9.

**Following:** line 8

**Insert:** "(b) If the victim is under 18 years of age, copies provided under subsection (6)(a) must be provided to the victim's parent or guardian instead of to the minor victim."

4. Page 2, line 9.

**Following:** line 8

**Strike:** "(b)"

**Insert:** "(c)"

And, as amended, do pass. Report adopted.

**SB 450**, introduced bill, be amended as follows:

1. Page 2, line 12.

**Following:** "6"

**Strike:** "24"

**Insert:** "60"

2. Page 2, line 20.

**Following:** "6"

**Strike:** "24"

**Insert:** "60"

And, as amended, do pass. Report adopted.

**SB 523**, do pass. Report adopted.

**SJR 24**, introduced joint resolution, be amended as follows:

1. Page 1, line 30 through page 2, line 1.

**Following:** "offenders" on line 30

**Strike:** remainder of line 30 through "possession" on page 2, line 1

And, as amended, be adopted. Report adopted.

**NATURAL RESOURCES AND ENERGY** (Lind, Chairman):

2/22/2007

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**SB 293**, introduced bill, be amended as follows:

1. Title, page 1, line 4.

**Strike:** "CREATING" through "USE ACT;"

2. Title, page 1, line 5.

**Following:** "MANAGEMENT OF"

**Insert:** "PUBLIC"

3. Page 1, line 12.

**Following:** "Montana's"

**Strike:** "state, federal, tribal, and private"

**Insert:** "public"

4. Page 1, line 14.

**Following:** "management"

**Strike:** "of"

**Insert:** "on some public"

5. Page 1, line 19 through line 23.

**Strike:** line 19 through line 23 in their entirety

6. Page 1.

**Following:** line 23

**Insert:** "WHEREAS, innovative partnerships between traditional adversaries in federal forest management demonstrate that consensus-based solutions can be reached on landscape level projects on federal lands that integrate active forest management, restoration, and stewardship; and"

7. Page 1, line 25.

**Following:** "management of"

**Insert:** "public"

8. Page 1, line 29 through line 30.

**Strike:** section 1 in its entirety

**Renumber:** subsequent sections

9. Page 2, line 3.

**Following:** "management of"

**Strike:** "all"

**Insert:** "public"

10. Page 2, line 5.

**Following:** "that"

**Insert:** "public"

**Following:** "should be"

**Insert:** "sustainably"

11. Page 2, line 7.

**Following:** line 6

**Insert:** "(3) The legislature finds that sustainable forest stewardship and management of Montana's public forests

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requires a balanced approach that ensures a stable timber supply, active restoration, healthy watersheds and fish and wildlife habitat, areas for natural processes, and allowances for recreational uses."

**Renumber:** subsequent subsection

12. Page 2, line 7.

**Following:** "of all"

**Insert:** "public"

13. Page 2, line 8.

**Following:** the second "state"

**Strike:** ", "

**Insert:** "and"

**Following:** "federal"

**Strike:** ", and private"

14. Page 2, line 10.

**Strike:** "[section 2]"

**Insert:** "[section 1]"

15. Page 2, line 12.

**Following:** "support"

**Strike:** "forest restoration and"

16. Page 2, line 12 through line 13.

**Following:** "practices" on line 12

**Strike:** "on private" on line 12 through "Montana" on line 13

**Insert:** ", including forest restoration, on public forests in Montana consistent with all applicable laws and administrative requirements"

17. Page 2, line 14.

**Following:** "technical"

**Insert:** "information"

**Following:** "assistance to"

**Insert:** "nonindustrial,"

18. Page 2, line 17.

**Following:** "promote"

**Strike:** "the maintenance of"

**Following:** "industry"

**Insert:** "and other businesses that rely on public forest lands"

19. Page 2, line 20.

**Following:** "(6)"

**Strike:** "provide information and assistance for"

**Insert:** "promote"

20. Page 2, line 23.

**Strike:** "[section 2]"

**Insert:** "[section 1] and in which state interests are clearly involved"

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21. Page 2, line 26 through line 27.

**Strike:** subsection (9) in its entirety

**Insert:** "(9) participate in and facilitate collaboration between traditional forest interests in reaching consensus-based solutions on federal land management issues."

22. Page 2, line 29 through page 3, line 1.

**Strike:** section 4 in its entirety

**Renumber:** subsequent section

23. Page 3, line 2.

**Strike:** "[Sections 1 through 3]"

**Insert:** "[Sections 1 and 2]"

24. Page 3, line 4 through line 5.

**Strike:** "[" on line 4 through "]" on line 5

**Insert:** "[sections 1 and 2]"

And, as amended, do pass. Report adopted.

**SB 337**, introduced bill, be amended as follows:

1. Title, page 1, line 4, through page 1, line 5.

**Following:** the second "ACT"

**Strike:** remainder of line 4 through "COOPERATIVE;" on line 5

2. Title, page 1, line 5.

**Following:** "ALLOWING"

**Insert:** "ELECTRICITY"

3. Title, page 1, line 9.

**Strike:** "AND LEND MONEY"

**Following:** "MONEY;"

**Insert:** "REQUIRING AN ELECTRICITY BUYING COOPERATIVE PROVIDING ELECTRICITY TO SMALL CUSTOMERS OF A DISTRIBUTION UTILITY TO PROVIDE ANCILLARY SERVICES; REQUIRING THE PUBLIC SERVICE COMMISSION TO ESTABLISH TARIFFS RELATED TO RENEWABLE RESOURCES;"

4. Title, page 1, line 10.

**Following:** "SECTIONS"

**Insert:** "35-19-102,"

5. Page 1, line 14.

**Insert:** "**Section 1.** Section 35-19-102, MCA, is amended to read:

**"35-19-102. Definitions.** As used in this chapter, unless the context requires otherwise, the following definitions apply:

(1) "Distribution utility" means the electricity distribution portion of a public utility ~~as defined in 69-8-103 regulated by the public service commission pursuant to Title 69, chapter 3.~~

(2) "Load" means the electricity that is consumed.

~~(2)~~(3) "Residential customer" means a residential customer of a distribution utility.

~~(3)~~(4) "Small commercial customer" means, for a distribution utility, individual accounts of a commercial

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customer with an average monthly demand in the previous calendar year of less than 100 kilowatts or a new commercial customer with an estimated average monthly demand of less than 100 kilowatts.

~~(4)~~(5) "Small customer" means a residential customer or small commercial customer of a distribution utility."

**Renumber:** subsequent sections

6. Page 1, line 16.

**Strike:** ":",

7. Page 1, line 17.

**Strike:** "(a)"

**Strike:** ":",

**Insert:** ":",

8. Page 1, line 18 through page 1, line 22.

**Strike:** line 18 through line 22 in their entirety

9. Page 2, line 4.

**Strike:** "or lend"

10. Page 2, line 14.

**Strike:** "and"

11. Page 2, line 15.

**Following:** "the"

**Insert:** "ownership,"

**Following:** "lease"

**Insert:** ":",

12. Page 2, line 16.

**Strike:** "or"

**Insert:** "and"

(ii) transmission and distribution equipment necessary to interconnect with facilities described in subsection (6)(b); and

(d) the lease or use of capacity on transmission or distribution systems;"

13. Page 2, line 17.

**Strike:** line 17 in its entirety

14. Page 3, line 4.

**Following:** line 3

**Insert:** "(1) construct, purchase, take, receive, or otherwise acquire or own, hold, equip, maintain, or operate electric generating plants or transmission or distribution lines or systems, except as provided in 35-19-201(6)(c) and (6)(d);"

**Renumber:** subsequent subsections

15. Page 3, line 7.

**Strike:** "or"

16. Page 3, line 12.

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**Following:** "produce"

**Insert:** ", conserve,"

**Following:** "heat"

**Strike:** "."

**Insert:** "; or

(4) provide electricity to small customers of a distribution utility unless the electricity buying cooperative provides ancillary services as defined in 69-8-1003:

(a) from a source other than the distribution utility;

(b) through a contract with the distribution utility that is approved by the public service commission; or

(c) pursuant to a tariff promulgated by the public service commission, another relevant regulatory body, or a service provider that specifically applies to distribution utility services provided to electricity buying cooperatives.

(5) A distribution utility may not refuse to negotiate a contract with an electricity buying cooperative for scheduling, system control, and dispatch services if that contract is necessary to move energy within a transmission or distribution system controlled by the distribution utility."

17. Page 3, line 13.

**Insert:** "NEW SECTION. Section 5. Establishment of tariff -- renewable energy sources. Upon the request of an electricity supplier, the commission shall prepare the following tariffs for distribution utilities:

(1) a nondiscriminatory, cost-based tariff indicating the costs that a public utility will incur if transmission and distribution services are provided to another electricity supplier;

(2) a nondiscriminatory, cost-based tariff for the residential and small commercial customer classes to defray the unrecovered embedded costs of customers that leave the utility. The tariff in this subsection (2) may not apply beyond the date of the next short-term power purchase contract negotiated by the utility to acquire energy equal to or greater than the loss of load from the exiting customer or beyond the next addition of generation by the utility for which the commission determines that generation and load planning can be modified, whichever period is shorter. The commission shall, in making a decision on a tariff, take into account the following:

(a) additional demands on the energy supply system that can defray the loss of customers;

(b) the extent to which the customer leaving the energy supply system will enable the utility to purchase less power, thus decreasing spot-market or short-term contract purchases;

(c) the benefit to the utility of not needing to construct additional generation facilities; and

(d) any other factors that the commission considers necessary.

(3) a nondiscriminatory, cost-based tariff for the residential and small commercial customer classes to defray the costs of a customer returning to a distribution utility. In developing the tariff, the commission shall take into account, among other things, the benefit to the distribution utility customers of having increased load from the additional customer to defray costs on all of its systems."

**Insert:** "NEW SECTION. Section 6. Codification instruction. [Section 5] is intended to be codified as an integral part of Title 69, chapter 3, and the provisions of Title 69, chapter 3, apply to [section 5]."

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**SB 423**, introduced bill, be amended as follows:

1. Title, line 9 through line 11.

**Strike:** "REQUIRING" on line 9 through "GOVERNMENTS;" on line 11

2. Title, line 13 through line 14.

**Strike:** "CREATING" on line 13 through "INSPECTIONS;" on line 14

3. Page 2, line 8.

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**Strike:** "13"  
**Insert:** "9"

4. Page 2, line 12.  
**Strike:** "13"  
**Insert:** "9"

5. Page 2, line 19.  
**Strike:** "13"  
**Insert:** "9"

6. Page 3, line 10.  
**Strike:** "or mercuric oxide"

7. Page 6, line 6 through line 7.  
**Following:** "the item" on line 6  
**Strike:** "may not be" on line 6 through "wastewater" on line 7  
**Insert:** "must be disposed of in accordance with applicable state laws"

8. Page 6, line 9.  
**Strike:** "11"  
**Insert:** "9"

9. Page 6.  
**Following:** line 9  
**Insert:** " (4) A manufacturer of a product containing a mercury-added button cell battery shall print a notice on the product package that the button cell battery includes mercury."

10. Page 7, line 3 through line 9.  
**Strike:** sections 9 and 10 in their entirety  
**Renumber:** subsequent sections

11. Page 7, line 13.  
**Strike:** "13"  
**Insert:** "9"

12. Page 7, line 16.  
**Strike:** "13"  
**Insert:** "9"

13. Page 7, line 18 through page 8, line 8.  
**Strike:** sections 12 and 13 in their entirety  
**Renumber:** subsequent sections

14. Page 8, line 10.  
**Strike:** "13"  
**Insert:** "9"

15. Page 8, line 11.  
**Strike:** "13"



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**Insert:** "9"

And, as amended, do pass. Report adopted.

**SB 431**, do pass. Report adopted.

**SB 432**, introduced bill, be amended as follows:

1. Title, page 1, line 7.

**Strike:** "A DELAYED EFFECTIVE DATE"

**Insert:** "EFFECTIVE DATES"

2. Page 2, line 2.

**Following:** "misdemeanor"

**Insert:** "punishable by a fine not to exceed \$500"

3. Page 2, line 22.

**Following:** "misdemeanor"

**Insert:** "punishable by a fine not to exceed \$500"

4. Page 3.

**Following:** line 11

**Insert:** "(3) The provisions of [section 3] do not apply to fuel sold to or used by railroads."

5. Page 3, line 21.

**Strike:** "date"

**Insert:** "dates"

**Strike:** "[This act] is"

**Insert:** "[Sections 1 through 6] are"

6. Page 3, line 23 through line 24.

**Strike:** "or July" on line 23 through "is earlier" on line 24

7. Page 3.

**Following:** line 24

**Insert:** "(2) [Section 7 and this section] are effective on passage and approval. In order to fulfill the requirements of subsection (1), the department of transportation shall begin monitoring the refining capacity of biodiesel in Montana on passage and approval of [this act]."

**Renumber:** subsequent subsection

And, as amended, do pass. Report adopted.

**SB 448**, introduced bill, be amended as follows:

1. Title, page 1, line 5.

**Following:** "TO"

**Insert:** "NOTIFY THE OFFICE OF CONSUMER COUNSEL OF PERMIT APPLICATIONS FOR NEW ELECTRICAL GENERATION FACILITIES AND FACILITIES AND UPGRADES PERMITTED UNDER THE MONTANA MAJOR FACILITY SITING ACT; REQUIRING THE OFFICE OF THE CONSUMER COUNSEL TO"

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2. Title, page 1, line 7 through line 9.

**Strike:** "IF" on line 7 through the first "ANALYSIS" on line 9

3. Page 1, line 14.

**Strike:** "The"

**Insert:** "Within 10 days of receiving an application pursuant to subsection (1)(a) or (1)(b), the"

4. Page 1, line 15 and 16.

**Following:** "shall"

**Strike:** remainder of line 15 through "when" on line 16

**Insert:** "notify the office of the consumer counsel that it is"

5. Page 1, line 17.

**Strike:** "if it is"

6. Page 1, line 21 through line 23.

**Strike:** "If" on line 21 through "department" on line 23

**Insert:** "The office of consumer counsel"

7. Page 1, line 23.

**Strike:** "to a utility and a utility's"

**Insert:** "of the project on electricity"

8. Page 1, line 24.

**Following:** "customers"

**Insert:** "in Montana"

9. Page 1.

**Following:** line 24

**Insert:** "(3)(a) Except as provided in subsection (3)(b), the analysis must be completed within 30 days of receipt of the notice from the department.

(b) The department shall extend the 30-day deadline if compliance with the deadline is not necessary to comply with the requirements of subsection (4)."

**Renumber:** subsequent subsections

10. Page 1, line 25.

**Following:** "must be"

**Insert:** "provided to the department and"

11. Page 1.

**Strike:** line 27 through line 28 in their entirety

**Insert:** "(5)(a) Within 5 days of the close of the public comment period for an application referred to in subsection (1)(a) or (1)(b), the department shall forward public comments related to the analysis to the consumer counsel.

(b) The consumer counsel shall respond to the comments and return the responses to the department within 30 days, and the responses must be included in the final environmental reviews."

12. Page 1, line 30 through page 2, line 3.

**Strike:** section 2 in its entirety

**Insert:** "NEW SECTION. **Section 2. Exemptions.** Projects proposed by utilities, as defined in 69-8-103, are

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exempt from the analysis required by [section 1]."

13. Page 8, line 8.

**Strike:** the first "75"

**Insert:** "69, chapter 2"

**Strike:** the second "75"

**Insert:** "69, chapter 2,"

And, as amended, do pass. Report adopted.

**SB 461**, do pass. Report adopted.

**PUBLIC HEALTH, WELFARE AND SAFETY** (Weinberg, Chairman):

2/22/2007

**SB 149**, introduced bill, be amended as follows:

1. Page 1, line 18.

**Strike:** "may"

**Insert:** "must"

2. Page 2, line 1.

**Strike:** "may"

**Insert:** "must"

3. Page 2, line 4.

**Strike:** "must"

**Insert:** "may"

**Following:** the first "facility"

**Strike:** remainder of line 4

**Insert:** "that provides"

4. Page 2, line 12.

**Strike:** "may"

**Insert:** "shall"

5. Page 2, line 15 through line 17.

**Following:** "(7)"

**Strike:** remainder of line 15 through "residents." on line 17

6. Page 3, line 4 through line 5.

**Strike:** "Compliance" on line 4 through "facilities." on line 5

**Insert:** "Secure residential forensic treatment facility -- certification -- accreditation -- oversight -- planning."

**Strike:** "must be certified by" on line 5

7. Page 3, line 6.

**Following:** "(a)"

**Insert:** "must be certified by"

8. Page 3, line 7.

**Strike:** "and"

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9. Page 3, line 8.

**Following:** "(b)"

**Insert:** "must be certified by"

10. Page 3, line 9.

**Following:** "facilities"

**Insert:** "; and

(c) shall apply for, acquire, and maintain accreditation with the national commission on correctional health care.

(2) All certificates, accreditation reports, and related investigations, reports, and plans must be available for public inspection.

(3) The mental disabilities board of visitors, as provided for in 2-15-211, is authorized to perform onsite review of the secure residential forensic treatment facility in accordance with the standards for mental health care as determined by the national commission on correctional health care. The mental disabilities board of visitors review teams must receive training on the mental health standards of the national commission on correctional health care prior to conducting the onsite review.

(4) The departments listed in subsection (1) shall work collaboratively with members of the mental health oversight advisory council, members of the corrections advisory council, and others with expertise from identified stakeholder groups in the development of the elements of the program, staff training, and program policies and procedures."

**Renumber:** subsequent subsection

11. Page 3, line 12.

**Following:** line 11

**Insert:** "NEW SECTION. Section 3. Certification of readiness. Prior to opening a secure residential forensic treatment facility, the office of the governor shall certify to the legislative finance committee that all prerequisites required by [section 2] for opening the facility have been completed, including:

(1) certification by the department of labor and industry and the department of justice as provided in [section 2(1)(a) and (1)(b)]; and

(2) treatment programming and policy development as provided in [section 2(4)]."

**Renumber:** subsequent sections

12. Page 10, line 11.

**Strike:** "and 2"

**Insert:** "through 3"

13. Page 10, line 12.

**Strike:** "and 2"

**Insert:** "through 3"

And, as amended, do pass. Report adopted.

SB 265, introduced bill, be amended as follows:

1. Title, line 6.

**Following:** "ASSISTANCE"

**Insert:** "BASED ON AN INCREASE IN THE FEDERAL POVERTY LEVEL"

2. Page 1, lines 24 through 25.

**Strike:** "less than or equal to"

**Insert:** "up to"

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3. Page 1, line 26.

**Strike:** "the"

**Insert:** "that"

4. Page 1, line 26 through line 28.

**Following:** "purpose" on line 26

**Strike:** "of paying" through "premium subsidy."

5. Page 1, line 28.

**Strike:** "The"

**Insert:** "and the"

6. Page 2, line 4.

**Strike:** "If reduced"

**Insert:** "However, eligible persons with coverage in the traditional association plan must receive first priority for reduced premiums. By agreement of the association and the commissioner, reduced"

7. Page 2, line 5.

**Strike:** "are"

**Insert:** "may be"

**Following:** "available"

**Strike:** ", those subsidies must be made available"

8. Page 2, line 5 through line 6.

**Following:** "eligible for"

**Strike:** "both the traditional plan and"

And, as amended, do pass. Report adopted.

**SB 312**, introduced bill, be amended as follows:

1. Title, line 5.

**Strike:** "AND"

**Following:** "AMENDING"

**Strike:** "SECTION"

**Insert:** "SECTIONS"

2. Title, line 6

**Following:** "50-5-105"

**Insert:** "AND 50-5-207"

**Following:** "MCA"

**Insert:** "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE"

3. Page 1, line 12.

**Following:** "(a)"

**Insert:** "except as may be required for hospital certification,"

4. Page 1, line 14.

**Following:** "(b)"

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**Insert:** "except as may be required by medical staff bylaws,"

5. Page 1, following line 22.

**Insert:** "(2) Notwithstanding the prohibitions in subsection (1), a hospital may refuse to appoint a physician to the governing body of the hospital or to the position of president of the medical staff or presiding officer of a medical staff committee if the physician or a partner, associate, or employee of the physician provides medical or health care services at, has an ownership interest in, or occupies a leadership position on the medical staff of a different hospital, hospital system, or health care facility."

**Renumber:** subsequent subsections

6. Page 1, line 24.

**Following:** "means the"

**Strike:** "use" on line 24 through "privileges" on line 26

**Insert:** "denial of a physician's application for staff membership or clinical privileges to practice medicine in a hospital on criteria other than the individual's training, current competence, experience, ability, personal character, and judgment. This term does not mean use by the hospital of:

- (i) exclusive contracts with physicians;
- (ii) medical staff on-call requirements;
- (iii) adherence to a formulary approved by the medical staff; or
- (iv) other medical staff policy adopted to manage health care costs or improve quality"

7. Page 2, line 5.

**Insert:** "(4) For the purposes of this section, the provisions of 50-5-207 do not apply."

8. Page 2, line 25 through line 26.

**Strike:** subsection (5) in its entirety

9. Page 2, line 27.

**Insert:** "Section 3. Section 50-5-207, MCA, is amended to read:

**"50-5-207. Denial, suspension, or revocation of health care facility license -- provisional license. (1)**

The department may deny, suspend, or revoke a health care facility license if any of the following circumstances exist:

- (a) The facility fails to meet the minimum standards pertaining to it prescribed under 50-5-103.
  - (b) The staff is insufficient in number or unqualified by lack of training or experience.
  - (c) The applicant or any person managing it has been convicted of a felony and denial of a license on that basis is consistent with 37-1-203 or the applicant otherwise shows evidence of character traits inimical to the health and safety of patients or residents.
  - (d) The applicant does not have the financial ability to operate the facility in accordance with law or rules or standards adopted by the department.
  - (e) There is cruelty or indifference affecting the welfare of the patients or residents.
  - (f) There is misappropriation of the property or funds of a patient or resident.
  - (g) There is conversion of the property of a patient or resident without the patient's or resident's consent.
  - (h) Any provision of parts 1 through 3, except [section 1], is violated.
- (2) The department may reduce a license to provisional status if as a result of an inspection it is determined that the facility has failed to comply with a provision of part 1 or 2 of this chapter or has failed to comply with a rule, license provision, or order adopted or issued pursuant to part 1 or 2.
- (3) The denial, suspension, or revocation of a health care facility license is not subject to the certificate of need requirements of part 3.
- (4) The department may provide in its revocation order that the revocation is in effect for up to 2 years. If this provision is appealed, it must be affirmed or reversed by the court."

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**Renumber:** subsequent sections

10. Page 2, following line 29.

**Insert:** "NEW SECTION. **Section 5. Effective date.** [This act] is effective on passage and approval."

**Insert:** "NEW SECTION. **Section 6. Termination.** [This act] terminates June 30, 2009."

And, as amended, do pass. Report adopted.

**SB 326**, introduced bill, be amended as follows:

1. Title, line 9.

**Following:** "PROSECUTION"

**Insert:** "AND A CIVIL PENALTY"

2. Page 1, line 18.

**Strike:** "residents"

**Insert:** "addresses"

3. Page 1, line 25.

**Following:** "information is"

**Insert:** "health care information, as defined in 50-16-504, is"

**Following:** "confidential"

**Insert:** ", "

4. Page 1, line 28 through line 29.

**Following:** "agencies" on line 28

**Strike:** remainder of line 28 through line 29

**Insert:** "when authorized by a search warrant;"

5. Page 2, line 16.

**Following:** line 15

**Insert:** "(4) The information collected in the database may not be used for any commercial purpose."

**Renumber:** subsequent subsections

6. Page 2, line 16.

**Following:** "in"

**Strike:** "a criminal or"

**Insert:** "any"

**Following:** "proceeding"

**Insert:** "other than in an administrative proceeding related to the licensure or discipline of a practitioner. The fact that particular information is contained in the database may not be used as evidence in a criminal proceeding"

7. Page 2, line 22.

**Following:** line 21

**Insert:** "(7) No later than 3 years after the date that the patient's prescription data was made available to the board, the board shall purge the gathered information from the database unless the information is being used as part of an active investigation."

**Renumber:** subsequent subsections

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8. Page 2, line 25.

**Following:** "database."

**Insert:** "The rules must be consistent with the privacy provisions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), 42 U.S.C. 1320d, et seq., and administrative rules adopted in connection with that act."

9. Page 4, line 2.

**Following:** "sanctions"

**Insert:** "-- civil penalty"

10. Page 4, line 17.

**Following:** line 16

**Insert:** "(4) Any person or entity that is not permitted to receive information from the database pursuant to [section 1] and that knowingly or willfully obtains, discloses, or uses the information gathered in the database without written authorization from the patient is liable for a civil penalty not to exceed \$250,000 for each violation."

And, as amended, do pass. Report adopted.

**SB 417**, introduced bill, be amended as follows:

1. Title, line 4.

**Following:** "HOSPITAL;"

**Insert:** "PROVIDING FOR ATTESTATION FOR LICENSING SPECIALTY HOSPITALS;"

2. Title, line 6.

**Following:** "EXTENDING"

**Insert:** "AND REVISING"

**Following:** "50-5-101"

**Insert:** ", 50-5-203"

3. Page 8, line 1.

**Following:** "is"

**Strike:** "primarily or"

**Following:** "in the"

**Insert:** "diagnosis,"

**Following:** "care"

**Insert:** ", "

**Following:** "one"

**Insert:** "or more"

4. Page 8, line 4.

**Following:** "1"

**Insert:** "or"

5. Page 8, line 5.

**Strike:** "1; and"

**Insert:** "1."

6. Page 8, line 6 through line 10.



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**Strike:** subsections (v) and (b) in their entirety

**Insert:** "(b) For purposes of this subsection (55), a specialty hospital may provide other services for medical diagnosis, treatment, rehabilitation, and care of injured, disabled, or sick individuals as otherwise provided by law if the care encompasses 35% or less of the hospital services."

7. Page 15, line 11.

**Insert:** "Section 2. Section 50-5-203, MCA, is amended to read:

**"50-5-203. Application for license.** The procedure to apply for a license is as follows:

(1) At least 30 days prior to the opening of a facility and after that no later than the expiration date of the license, application is made to the department accompanied by the license fee.

(2) The application shall contain:

(a) the name and address of the applicant if an individual, the name and address of each member if a firm, partnership, or association, or the name and address of each officer if a corporation;

(b) the location of the facility;

(c) the name of the person or persons who will manage or supervise the facility;

(d) the number and type of patients or residents for which care is provided;

(e) any information which the department may require pertaining to the number, experience, and training of employees;

(f) information on ownership, contract, or lease agreement if operated by a person other than the owner.

(3) Applications must include attestation or supporting documentation required by the department pertaining to the licensure of specialty hospitals using the procedures provided in parts 1 and 2 of this chapter. The attestation may be used as the basis for the issuance of a provisional or temporary license."

**Renumber:** subsequent sections

8. Page 15, line 14.

**Following:** "(1)"

**Strike:** "The"

**Insert:** "Subject to subsection (4), the"

9. Page 15, line 19.

**Following:** "2009."

**Insert:** "(4) A health care facility licensed by the department and in existence on [the effective date of this act] may not change its licensure status in order to qualify for licensure as a specialty hospital unless the health care facility is licensed as a hospital."

10. Page 15, lines 23 through 25.

**Strike:** section 4 in its entirety

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

SB 478, do pass. Report adopted.

SB 504, introduced bill, be amended as follows:

1. Page 2, line 19.

**Following:** "(5)"

**Strike:** "The"

**Insert:** "At least once a year, the"

2. Page 2, lines 20 and 21.

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**Following:** "care"

**Strike:** ", and shall offer the support services at each review of a foster child's case plan"

3. Page 3, line 3.

**Strike:** "12"

**Insert:** "6"

**Following:** "care"

**Insert:** "each year"

4. Page 3, line 5.

**Strike:** "12"

**Insert:** "6"

**Following:** "care"

**Insert:** "each year"

5. Page 3, line 6.

**Strike:** "4"

**Insert:** "3"

And, as amended, do pass. Report adopted.

**SB 505**, do pass. Report adopted.

**SB 521**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** "CONSENT;"

**Strike:** "AND"

2. Title, line 6.

**Following:** "MCA"

**Insert:** "; AND PROVIDING AN EFFECTIVE DATE"

3. Page 2, line 17.

**Strike:** "signed"

4. Page 2, line 26.

**Following:** line 25

**Insert:** "NEW SECTION. Section 3. Effective date. [This act] is effective July 1, 2007."

And, as amended, do pass. Report adopted.

**SB 531**, introduced bill, be amended as follows:

1. Page 1, line 12.

**Strike:** "7"

**Insert:** "8"

2. Page 1, line 15.

**Strike:** "7"

**Insert:** "8"

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3. Page 1, line 19.

**Strike:** "7"

**Insert:** "8"

4. Page 3, line 22.

**Strike:** "the management of"

5. Page 3, line 26.

**Strike:** "the management of"

6. Page 4, line 11.

**Strike:** "Sixty days prior"

**Insert:** "Prior"

7. Page 4, line 21.

**Following:** line 20

**Following:** "(2) The transferor may not transfer any public assets or make any change in its corporate governance in furtherance of the transaction described in the notice until 60 days following completion of the public hearing process as provided in [section 6]."

**Renumber:** subsequent subsections

8. Page 4, line 30.

**Strike:** "7"

**Insert:** "8"

9. Page 5, line 3.

**Following:** "review"

**Strike:** "and"

**Insert:** ". The attorney general"

10. Page 5, line 16.

**Following:** line 15

**Insert:** "In addition, the transferor and transferee shall pay half of the expenses incurred by the attorney general to provide notice of and conduct the hearing provided in [section 6]."

**Following:** "costs"

**Insert:** "and expenses"

**Following:** "general"

**Insert:** "and reimbursed by the transferor and transferee"

11. Page 5, line 29.

**Strike:** "7"

**Insert:** "8"

12. Page 6, line 8.

**Strike:** "notice"

**Insert:** "information to be published by the attorney general"

13. Page 6, line 30.

**Following:** "record."

**Insert:** "The information the attorney general is required to publish under [section 6] is not proprietary information"

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or a trade secret."

14. Page 7, line 2.

**Following:** "public"

**Insert:** "as required by law"

**Following:** line 2

**Insert:** "NEW SECTION. **Section 8. Attorney general powers retained.** Subject to the procedural requirements of [sections 1 through 8], the attorney general retains all powers provided by law for the protection of public assets."

**Renumber:** subsequent sections

15. Page 8, line 7.

**Following:** "section"

**Strike:** "1"

**Insert:** "2"

**Strike:** "7"

**Insert:** "8"

16. Page 9, line 15.

**Following:** "section"

**Strike:** "1"

**Insert:** "2"

**Strike:** "7"

**Insert:** "8"

17. Page 9, line 27.

**Following:** "until"

**Insert:** "the later of"

18. Page 9, line 28.

**Following:** "general or"

**Insert:** ", in a transaction subject to [sections 1 through 8], the time periods provided in [section 5] have elapsed or"

19. Page 9, line 29.

**Strike:** ", whichever is earlier"

20. Page 10, line 7.

**Following:** "section"

**Strike:** "1"

**Insert:** "2"

**Strike:** "7"

**Insert:** "8"

21. Page 10, line 9.

**Strike:** "7"

**Insert:** "8"

22. Page 10, line 11.

**Strike:** "7"

**Insert:** "8"

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And, as amended, do pass. Report adopted.

**SJR 15**, introduced joint resolution, be amended as follows:

1. Title, line 5.

**Following:** "OF"

**Insert:** "MONTANA'S HEALTH CARE DELIVERY SYSTEM, INCLUDING"

2. Title, line 6.

**Following:** "HOSPITALS"

**Insert:** ", "

3. Page 2, line 8.

**Following:** "recommendations"

**Insert:** "associated with Montana's health care delivery system"

4. Page 2, line 13.

**Following:** "facilities"

**Insert:** ", including use of hospitals by physicians who may be in competition with that hospital"

5. Page 2, line 13.

**Strike:** "and"

6. Page 2, line 14.

**Strike:** ". "

**Insert:** ";

7. Page 2, following line 14.

**Insert:** "(d) quality of care for patients;

(e) quality improvement and cost containment initiatives; and

(f) health information technology."

And, as amended, be adopted. Report adopted.

**STATE ADMINISTRATION** (Squires, Chairman):

2/22/2007

**SB 286**, do pass. Report adopted.

**SB 485**, do pass. Report adopted.

**SB 491**, do pass. Report adopted.

**SB 502**, introduced bill, be amended as follows:

1. Page 2, line 5.

**Following:** "state"

**Insert:** ": (a)"

**Following:** "part"

**Insert:** "; and

(b) shall adopt rules to implement the exemption provisions of 13-3-212"

2. Page 3, line 14.

**Strike:** "An"

**Insert:** "If an election administrator desires to designate as a polling place a location that is inaccessible, the"

**Strike:** "may"

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**Insert:** "shall make a"  
**Following:** "state"  
**Insert:** "asking"

3. Page 3, line 16.  
**Following:** "of"  
**Insert:** "state"  
**Following:** "exemption"  
**Insert:** "pursuant to rules adopted under 13-3-205"

And, as amended, do pass. Report adopted.

**SB 509**, introduced bill, be amended as follows:

1. Page 1, line 21.  
**Strike:** "\$2,000"  
**Insert:** "\$1,500"

2. Page 1, line 22.  
**Strike:** "\$4,000"  
**Insert:** "\$2,500"

3. Page 1, line 24.  
**Strike:** "1 month"  
**Insert:** "60 days"

And, as amended, do pass. Report adopted.

**SR 4**, be adopted. Report adopted.

**TAXATION** (Elliott, Chairman):

2/22/2007

**SB 492**, introduced bill, be amended as follows:

1. Page 2, line 20 through line 21.  
**Strike:** "in an amount" on line 20 through "\$10,000" on line 21  
**Strike:** "in an amount in excess of \$40,000"

2. Page 2, line 21 through line 22.  
**Strike:** "the" on line 21 through "by" on line 22

3. Page 2, line 23.  
**Following:** "(a)"  
**Insert:** "for real property in an amount in excess of \$20,000 or a conservation easement in an amount in excess of \$80,000, the value has been determined by"

4. Page 2, line 26.  
**Following:** "(b)"  
**Insert:** "for real property in an amount less than \$20,001 or a conservation easement in an amount less than \$80,001, the value has been determined by"

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5. Page 2, line 27.

**Following:** "county"

**Insert:** ", city, or town"

**Strike:** "appraised"

**Following:** "value"

**Insert:** "determined under subsection (1)"

And, as amended, do pass. Report adopted.

**SB 525**, introduced bill, be amended as follows:

1. Page 1, line 20.

**Strike:** "Notwithstanding any other provision of law, the"

**Insert:** "The"

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

**House bill** passed and transmitted to the Senate for concurrence: 2/21/2007

**HB 13**, introduced by Sesso

**House bill** passed and transmitted to the Senate for concurrence: 2/21/2007

**HB 265**, introduced by Ebinger

**House bill** passed and transmitted to the Senate for concurrence: 2/21/2007

**HB 271**, introduced by McNutt

**House bill** passed and transmitted to the Senate for concurrence: 2/21/2007

**HB 2761**, introduced by McNutt

**House bill** passed and transmitted to the Senate for concurrence: 2/21/2007

**HB 439**, introduced by Koopman

**House bill** passed and transmitted to the Senate for concurrence: 2/21/2007

**HB 452**, introduced by Kottel

**House bill** passed and transmitted to the Senate for concurrence: 2/21/2007

**HB 455**, introduced by Stoker

**House bill** passed and transmitted to the Senate for concurrence: 2/21/2007

**HB 456**, introduced by McNutt

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**House bill** passed and transmitted to the Senate for concurrence: 2/21/2007

**HB 464**, introduced by K. Peterson

**House bill** passed and transmitted to the Senate for concurrence: 2/21/2007

**HB 524**, introduced by Hamilton

**House bill** passed and transmitted to the Senate for concurrence: 2/21/2007

**HB 596**, introduced by Sands

**House bill** passed and transmitted to the Senate for concurrence: 2/21/2007

**HB 1623**, introduced by Olson

**House joint resolution** passed and transmitted to the Senate for concurrence: 2/21/2007

**HJR 16**, introduced by Ripley

**House joint resolution** passed and transmitted to the Senate for concurrence: 2/21/2007

**HJR 34**, introduced by Van Dyk

**MOTIONS**

**SEN. GREG LIND, SD 50, MISSOULA** moved his vote on **SB 68** be changed from "yes" to "no". Motion carried.

**SEN. CHRISTINE KAUFMANN, SD 41, HELENA** moved her vote on **SB 416** be changed from "no" to "yes". Motion carried.

**SEN. TRUDI SCHMIDT, SD 11, GREAT FALLS** moved to have **SB 284** re-referred to Finance and Claims Committee. Motion carried.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator J. Tropila in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 466** - Senator Cocchiarella moved **SB 466** do pass. Motion carried unanimously.

**SB 113** - Senator Lewis moved **SB 113** do pass. Motion carried as follows:



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Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 42

Nays: Balyeat, Brown, Esp, McGee, O'Neil, Shockley, Stapleton.

Total 7

Absent or not voting: Moss.

Total 1

Excused: None.

Total 0

**SB 168** - Senator Jent moved **SB 168** do pass. Motion carried unanimously.

**SB 416** - Senator Kaufmann moved **SB 416** do pass. Motion carried as follows:

Yeas: Bales, Black, Cobb, Cocchiarella, Elliott, Esp, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, McGee, Moss, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 36

Nays: Balyeat, Barkus, Brown, Brueggeman, Curtiss, Essmann, Gallus, Gebhardt, Jackson, Lind, Murphy, Shockley, Stapleton, Steinbeisser.

Total 14

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 273** - Senator Jent moved **SB 273** do pass. Motion carried unanimously.

**SB 411** - Senator Laible moved **SB 411** do pass. Motion carried unanimously.

**SB 424** - Senator Moss moved **SB 424** do pass. Motion carried as follows:

Yeas: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lind, Moss, O'Neil, Pease, Perry, Ryan, Schmidt, Smith, Squires, Steinbeisser, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 30

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Lewis, McGee, Murphy, Peterson, Shockley, Stapleton, Story, Tash.

Total 20

Absent or not voting: None.

Total 0

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Excused: None.  
Total 0

**SB 49** - Senator Esp moved **SB 49**, second reading copy, be amended as follows:

1. Title, line 9.  
**Following:** "20-5-412,"  
**Insert:** "AND"  
**Following:** "20-5-420,"  
**Strike:** "AND"

2. Title, line 10.  
**Strike:** "72-5-103,"

3. Page 11, line 12 through line 29.  
**Strike:** section 6 in its entirety  
**Renumber:** subsequent sections

Amendment adopted unanimously.

**SB 49** - Senator Esp moved **SB 49**, as amended, do pass. Motion carried unanimously.

**SB 284** - Senator Moss moved **SB 284**, second reading copy, be amended as follows:

1. Page 1, line 29.  
**Strike:** "2.64%"  
**Insert:** "1.848%"

2. Page 2, line 8.  
**Strike:** "3.62%"  
**Insert:** "2.534%"

3. Page 2, line 12.  
**Following:** line 11  
**Insert:** "(d) 0.252% to the university system for the maintenance of a Montana travel research program;  
(e) 2.275% to the department of fish, wildlife, and parks for the maintenance of facilities in state parks;  
(f) 39.634% to the department of commerce to be used for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials, as appropriate;  
(g) 2.464% to the Montana heritage preservation and development commission to be used as provided in Title 22, chapter 3, part 10;  
(h) 3.801% to the trust fund established in 15-35-108 for the purpose of protection of works of art in the capitol and for other cultural and aesthetic projects;"  
**Renumber:** subsequent subsections

4. Page 2, line 12.  
**Strike:** "(1)(D)(II)"  
**Insert:** "(1)(i)(ii)"

5. Page 2, line 19.  
**Strike:** "AND"

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6. Page 2, line 20.

**Following:** line 19

**Insert:** "(j) (i) except as provided in subsection (1)(j)(ii), 16.471% to the department of commerce to be distributed to regional nonprofit tourism corporations in the ratio of the proceeds collected in each tourism region to the total proceeds collected statewide; or

(ii) if the proceeds collected annually within the limits of a city, consolidated city-county, resort area, or resort area district are qualified under 15-65-121, then 100% of the 16.471% is available for distribution to the nonprofit convention and visitors bureau in that city, consolidated city-county, resort area, or resort area district; and"

**Renumber:** subsequent subsection

7. Page 2, line 29.

**Following:** "TOURISM"

**Insert:** "or for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials, as appropriate"

Amendment adopted as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 45

Nays: Balyeat, Esp, McGee, Murphy, Shockley.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 284** - Senator Moss moved **SB 284**, as amended, do pass. Motion carried as follows:

Yeas: Bales, Barkus, Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lind, Moss, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 37

Nays: Balyeat, Black, Brown, Curtiss, Esp, Essmann, Jackson, Lewis, McGee, Murphy, Shockley, Stapleton, Story.

Total 13

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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**SB 300** - Senator Cooney moved **SB 300** do pass. Motion carried as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Laible, Laslovich, Lewis, Lind, Moss, Pease, Peterson, Ryan, Schmidt, Smith, Squires, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 31

Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Essmann, Gallus, Gebhardt, Jackson, Kitzenberg, Larson, McGee, Murphy, O'Neil, Perry, Shockley, Stapleton, Steinbeisser.  
Total 19

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman J. Tropila moved the Committee of the Whole report be adopted. Report adopted unanimously.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 155** passed as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 43

Nays: Balyeat, Esp, McGee, O'Neil, Shockley, Stapleton, Story.  
Total 7

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 114** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr.

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President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 127** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 46

Nays: Curtiss, Esp, McGee, Stapleton.  
Total 4

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 68** passed as follows:

Yeas: Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, Wanzenried, Williams, Mr. President.  
Total 45

Nays: Bales, Cocchiarella, Lind, M.Tropila, Weinberg.  
Total 5

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 55** passed as follows:

Yeas: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau,

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Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 27

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 79** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: McGee.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 112** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

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Total 0

**SB 243** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 246** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 63** passed as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 47

Nays: Balyeat, Esp, O'Neil.  
Total 3

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 12:30 p.m., Friday, February 23, 2007. Motion carried.

Senate adjourned at 3:01 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate



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60TH LEGISLATURE  
FORTY-FIRST LEGISLATIVE DAY**

Helena, Montana  
February 23, 2007

Senate Chambers  
State Capitol

Senate convened at 12:30 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. Senators Ryan and Jent were excused. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, McGee, Moss, Murphy, Pease, Perry, Peterson, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 42

Nays: Balyeat, Esp, Jackson, Lind, O'Neil, Shockley.  
Total 6

Absent or not voting: None.  
Total 0

Excused: Jent, Ryan.  
Total 2

**REPORTS OF STANDING COMMITTEES**

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Cocchiarella, Chairman):  
**SB 467**, introduced bill, be amended as follows:

2/23/2007

1. Title, line 5 through line 6.

**Strike:** "INCREASING" on line 5 through "MEMBERSHIP;" on line 6

**Insert:** "ADDING LEGISLATIVE LIAISONS TO THE BOARD;"

2. Title, line 7.

**Strike:** "SECTIONS"

**Insert:** "SECTION"

**Strike:** "AND 2-18-103"

3. Title, line 8.

**Strike:** "AND AN APPLICABILITY DATE"

4. Page 1, line 19.

**Strike:** "nine"

**Insert:** "six"

5. Page 1, line 20.

**Strike:** "nine"

**Insert:** "six"

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6. Page 1, line 21.

**Strike:** "up to five voting"

**Insert:** "nine"

7. Page 1, line 27 through page 2, line 1.

**Strike:** subsections (b), (c), and (d) in their entirety

8. Page 2, line 7.

**Strike:** "."

9. Page 2.

**Following:** line 7

**Insert:** "(b) seven members who will provide a balance of professional expertise and public interest and accountability, who are informed and experienced in the subject of investments, and who are representatives of:"

(i) the financial community;

(ii) small business;

(iii) agriculture; and

(iv) labor; and

(c) two ex officio nonvoting legislative liaisons to the board, of which one must be a senator appointed by the president of the senate and one must be a representative appointed by the speaker of the house. The liaisons may not be from the same political party. Preference in appointments is to be given to legislators who have a background in investments or finance. The legislative liaisons shall serve from appointment through each even-numbered calendar year and may attend all board meetings. Legislative liaisons appointed pursuant to this subsection (3)(c) are entitled to compensation and expenses, as provided in 5-2-302, to be paid by the legislative council."

10. Page 2, line 9 through line 15.

**Strike:** subsection (5) in its entirety

11. Page 2, line 17 through page 3, line 18.

**Strike:** section 2 in its entirety

**Renumber:** subsequent sections

12. Page 3, line 22 through line 28.

**Strike:** section 4 in its entirety

And, as amended, do pass. Report adopted.

**SB 489**, introduced bill, be amended as follows:

1. Title, line 6.

**Strike:** "ALL"

**Insert:** "CERTAIN"

2. Page 1, line 17.

**Strike:** "Public"

**Insert:** "Except as provided in subsection (2), up to 25 percent of public"

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3. Page 1, line 30.

**Following:** "~~stock.~~"

**Insert:** "Public retirement system assets may be invested in private corporate capital stock, and the restrictions in subsection (1) on the percentage that may be invested in private capital stock do not apply."

4. Page 2, line 1.

**Strike:** "state compensation insurance fund"

5. Page 2, line 3.

**Following:** "use"

**Strike:** "in the" through "organization"

6. Page 2, line 4 through line 5.

**Strike:** "The" on line 4 through "assets." on line 5

7. Page 2, line 13.

**Following:** "funds"

**Insert:** "presently restricted to fixed income investments"

8. Page 2, line 14.

**Following:** "funds"

**Insert:** "presently restricted to fixed income investments"

And, as amended, do pass. Report adopted.

**SB 535**, do pass. Report adopted.

**SB 537**, introduced bill, be amended as follows:

1. Page 1, line 17.

**Strike:** "this chapter"

**Insert:** "Title 37, chapter 61"

2. Page 1, line 22.

**Strike:** "this chapter"

**Insert:** "Title 37, chapter 61"

3. Page 5, line 29.

**Strike:** the first "37"

**Insert:** "30"

**Strike:** the first "61"

**Insert:** "14"

**Strike:** the second "37"

**Insert:** "30"

**Strike:** the second "61"

**Insert:** "14"

And, as amended, do pass. Report adopted.

**SB 541**, do pass. Report adopted.

**SB 542**, do pass. Report adopted.

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**SJR 17**, be adopted. Report adopted.

**FINANCE AND CLAIMS** (Schmidt, Chairman): 2/23/2007  
**SB 284**, do pass. Report adopted.

**HIGHWAYS AND TRANSPORTATION** (Pease, Chairman): 2/23/2007  
**SB 449**, introduced bill, be amended as follows:

1. Title, line 4.

**Following:** "FOR"

**Insert:** "CERTAIN"

2. Page 1, line 20.

**Following:** "2-15-102"

**Insert:** ", but does not include the office of the governor, the attorney general, or the highway patrol"

3. Page 1, line 22.

**Strike:** "transportation"

**Insert:** "administration"

**Strike:** "2-15-2501"

**Insert:** "2-15-1001"

4. Page 1, line 24 through line 25.

**Strike:** "the state" on line 24 through "2-17-412" on line 25

**Insert:** "all state vehicles that are owned by the state of Montana except those used in the service of the governor, the attorney general, or the highway patrol"

5. Page 1, line 28.

**Strike:** "the department of administration and"

6. Page 1, line 29 through line 30.

**Strike:** "agency's" on line 29 through "standard;" on line 30

**Insert:** "vehicle purchased on or after January 1, 2008, meets or exceeds the CAFE standard."

7. Page 2, lines 1 through 4.

**Strike:** subsections (a) through (d)

8. Page 2, line 5.

**Strike:** "adjust the standards provided in subsection (1) for vehicles"

**Insert:** "exempt certain vehicles from the CAFE standard"

9. Page 2, line 10.

**Following:** " ;"

**Strike:** "or"

10. Page 2, line 11.

**Strike:** " ."

**Insert:** " ; or"

11. Page 2.

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**Following:** line 11

**Insert:** "(f) vehicles using alternative fuels."

12. Page 2, line 15.

**Strike:** "average"

13. Page 2, line 15 through line 16.

**Strike:** "to" on line 15 through "[section 2]" on line 16

14. Page 2, line 24.

**Strike:** "1 through 4"

**Insert:** "2 and 3"

15. Page 2, line 26.

**Strike:** "of administration"

And, as amended, do pass. Report adopted.

**SB 516**, do pass. Report adopted.

**JUDICIARY** (Laslovich, Chairman):

2/23/2007

**SB 309**, introduced bill, be amended as follows:

1. Title, lines 5 through 10.

**Following:** "DISASTER" on line 5

**Strike:** remainder of line 5 through "INCIDENT" on line 6

**Following:** "INCIDENT;" on line 6

**Strike:** remainder of line 6 through "INCIDENT;" on line 8

**Insert:** "AND"

**Following:** "ENFORCEMENT" on line 8

**Strike:** remainder of line 8 through "DATE" on line 10

2. Page 1, line 14 through page 2, line 2.

**Strike:** section 1 in its entirety

**Renumber:** subsequent sections

3. Page 2, line 5.

**Strike:** "or the occurrence of an incident"

4. Page 2, line 6.

**Following:** "person"

**Insert:** "acting or"

5. Page 2, line 8 through line 9.

**Strike:** subsection (2) in its entirety

**Insert:** "(2) After a violation of subsection (1) has occurred, the party injured by a confiscation action may bring an action for damages in a court having jurisdiction.

(3) (a) As used in this section, "confiscation action" means the intentional deprivation by a person in Montana of a privately owned firearm.

(b) The term does not include the taking of a firearm from a person:

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- (i) in self-defense;
- (ii) possessing a firearm while the person is committing a felony or misdemeanor; or
- (iii) who may not lawfully possess the firearm because of a prior criminal conviction."

6. Page 2, line 11 through page 15, line 12.

**Strike:** sections 3 through 18 in their entirety

**Insert:** "NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 10, chapter 3, and the provisions of Title 10, chapter 3, apply to [section 1]."

And, as amended, do pass. Report adopted.

**SB 346**, introduced bill, be amended as follows:

1. Title, line 4 through line 5.

**Strike:** "A PERSON WHO"

**Insert:** "PUBLIC"

**Following:** "CONTRACTS"

**Strike:** remainder of line 4 through "ILLEGAL" on line 5

**Insert:** "AND SUBCONTRACTS WITH A PERSON WHO KNOWINGLY EMPLOYS OR CONTRACTS WITH  
AN UNAUTHORIZED"

2. Title, line 6.

**Strike:** "ILLEGAL"

**Insert:** "UNAUTHORIZED"

3. Page 1, line 9 through line 10.

**Following:** "that"

**Strike:** remainder of line 9 through "illegal" on line 10

**Insert:** "an employer is prohibited from employing an unauthorized"

4. Page 1, line 11 through line 21.

**Strike:** line 11 through line 21 in their entirety

**Insert:** "WHEREAS, public agencies should take reasonable means to require those with whom they contract and subcontract to comply with federal law."

5. Page 1, line 25.

**Strike:** "illegal"

**Insert:** "unauthorized"

6. Page 1, line 26.

**Following:** "not"

**Strike:** "employ or contract with"

7. Page 1, line 27 through page 2, line 2.

**Following:** "agency," on line 27

**Strike:** remainder of line 27 through page 2, line 2

**Insert:** "knowingly employ or contract with:

(a) an unauthorized alien, as defined in 8 U.S.C. 1324a(h)(3), or with a person whom the contractor or subcontractor should have known was an unauthorized alien; or

(b) another person who knowingly employs an unauthorized alien or a person whom the employer or

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contractor should have known was an unauthorized alien.

(2) A person who contracts with a public agency or the subcontractor of a person who contracts with a public agency who violates subsection (1) is in material breach of the contract. In the event of a breach, the public agency may pursue all legal contract remedies, including but not limited to terminating the contract or subcontract. In addition, the public agency may prohibit the contractor or subcontractor from bidding on a contract or contracting with the public agency for a period not to exceed 3 years.

(3) A contract of a public agency must expressly state the requirements of this section.

(4) A public agency terminating a contract pursuant to subsection (2) shall report the termination to the legislative audit division, provided for in 5-13-301, at the end of the calendar year in which the contract was terminated. The report must state the number and type of contracts terminated and the number of unauthorized aliens employed by the person contracting with the public agency or another person contracting with that person."

8. Page 2, line 4.

**Strike:** "illegal"

**Insert:** "unauthorized"

**Strike:** "-- void contract"

9. Page 2, line 5.

**Following:** "An"

**Insert:** "unauthorized"

**Following:** "alien"

**Strike:** remainder of line 5 through "deportable"

**Insert:** ", as defined in 8 U.S.C. 1324 a(h)(3),"

10. Page 2, line 9.

**Strike:** subsection (2) in its entirety

**Renumber:** subsequent subsection

And, as amended, do pass. Report adopted.

**SB 393**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** "WHICH"

**Strike:** "CUSTODY"

**Insert:** "PARENTING"

2. Title, line 6.

**Following:** "OF"

**Strike:** "CUSTODY"

**Insert:** "PARENTING"

3. Page 1, line 17.

**Following:** line 16

**Strike:** "dissolution of their marriage regarding custody of minor children"

**Insert:** "parenting of a minor child"

**Following:** "mediation"

**Insert:** "of the parenting dispute"

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4. Page 1, line 18.

**Following:** "finds"

**Strike:** "that the case is not appropriate for mediation."

**Insert:** ":

(a) that participation in parenting mediation would result in the imposition of a cost to a party whose filing or appearance fees have been waived pursuant to 25-10-404;

(b) that requiring parenting mediation would constitute a financial hardship to either party;

(c) that there is no facilitative mediator with the qualifications stated in 40-4-307 in the county in which either party resides;

(d) that the parties have previously participated in mediation of the parenting dispute; or

(e) that the required parenting mediation is prohibited by subsection (5).

(3)"

5. Page 1, line 18.

**Following:** "purposes of"

**Insert:** "mandatory parenting"

6. Page 1, line 19.

**Following:** "over the"

**Strike:** "custody of or visitation with"

**Insert:** "parenting of"

7. Page 1, line 20.

**Following:** "of a"

**Strike:** "visitation agreement"

**Insert:** "parenting plan"

8. Page 1, line 22.

**Following:** "making"

**Insert:** "parenting"

**Following:** "decisions"

**Strike:** "about child custody and visitation"

9. Page 1, line 24.

**Following:** "of"

**Strike:** "custody and visitation"

**Insert:** "parenting"

10. Page 1, line 26.

**Following:** "of"

**Strike:** "custody and visitation"

**Insert:** "parenting"

11. Page 1, line 27.

**Following:** line 26

**Insert:** "(4) A letter from the mediator addressed to the parties is sufficient proof of participation in a mediation under this part."

**Renumber:** subsequent subsections

And, as amended, do pass. Report adopted.



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**SB 404**, introduced bill, be amended as follows:

1. Title, lines 4 and 5.

**Strike:** "EMERGENCY" on line 4 through "MCA" on line 5

**Insert:** "FIREFIGHTERS"

2. Page 1, line 9 through page 2, line 3.

**Strike:** section 1 through section 3 in their entirety

**Insert:** "NEW SECTION. **Section 1. Liability of firefighters.** (1) A firewarden, firefighter, or officer or employee of a state or governmental fire agency is not liable for any civil damages for acts or omissions while fighting fires other than damages occasioned by gross negligence or by willful or wanton acts or omissions.

(2) For the purposes of this section, "governmental fire agency" means a fire protection entity organized under Title 7, chapter 33."

**Insert:** "NEW SECTION. **Section 2. Legal representation for firefighters.** The department shall provide legal representation to its employees who fight fires for any criminal prosecution arising from an act or omission on a fire."

**Insert:** "NEW SECTION. **Section 3. Codification instruction.** (1) [Section 1] is intended to be codified as an integral part of Title 27, chapter 1, part 7, and the provisions of Title 27, chapter 1, part 7, apply to [section 1].

(2) [Section 2] is intended to be codified as an integral part of Title 76, chapter 13, part 1, and the provisions of Title 76, chapter 13, part 1, apply to [section 2]."

And, as amended, do pass. Report adopted.

**SB 480**, introduced bill, be amended as follows:

1. Page 1, line 11.

**Following:** "agreement"

**Insert:** "or a written addendum to the rental agreement"

And, as amended, do pass. Report adopted.

**SB 481**, introduced bill, be amended as follows:

1. Title, line 8.

**Following:** "40-1-202"

**Insert:** ", "

**Strike:** "AND"

**Following:** "40-1-203, "

**Insert:** "AND 40-1-208, "

2. Page 3, line 6.

**Following:** line 5

**Insert:** "**Section 4.** Section 40-1-208, MCA, is amended to read:

**"40-1-208. Penalties.** (1) An applicant for a marriage license, a physician or other person authorized by rule of the department of public health and human services to issue a medical certificate, or a person in charge of or authorized to make reports or statements for a laboratory who misrepresents the person's identity or any of the facts called for by the certificate form prescribed by 40-1-203 through 40-1-205, a licensing officer who issues a marriage license without having received the certificate form, if required, or who has reason to believe that any of the facts on the certificate form have been misrepresented and nevertheless issues a marriage license, or any person

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who otherwise fails to comply with the provisions of 40-1-203 through 40-1-209 is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$100.

(2) Medical certificates, laboratory statements or reports, certificates acknowledging the rights and obligations of marriage, and applications referred to in 40-1-203 through 40-1-209 are confidential and may not be divulged to or open to inspection by any person other than state or local health officers or their representatives. A person who divulges the information or opens to inspection the certificates, statements, reports, or applications, without authority, to any person not entitled to the material by law is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$100."

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**SB 486**, introduced bill, be amended as follows:

1. Page 1, line 3.

**Following:** line 2

**Insert:** "BY REQUEST OF THE SENATE JUDICIARY STANDING COMMITTEE"

2. Title, line 6.

**Following:** ";

**Insert:** "REVISING THE PENALTY;"

3. Page 1, line 12.

**Following:** "knowingly"

**Insert:** ", with the use of physical force or contact,"

4. Page 1, line 14 through line 15.

**Following:** "term" on line 14

**Strike:** remainder of line 14 through "or more than" on line 15

**Insert:** "not to exceed"

And, as amended, do pass. Report adopted.

**SB 545**, do pass. Report adopted.

**SB 547**, do pass. Report adopted.

**LOCAL GOVERNMENT** (Gillan, Chairman):

2/23/2007

**SB 338**, do pass. Report adopted.

**SB 339**, do pass. Report adopted.

**SJR 26**, be adopted. Report adopted.

**SJR 160**, introduced joint resolution, be amended as follows:

1. Page 1.

**Following:** line 8

**Insert:** "WHEREAS, Montana's senior citizens and persons with disabilities rely on human service agencies and public transportation systems for essential transportation to work, health care services, and recreation; and

WHEREAS, these transportation services and systems can be expanded by using state funding, known as Transportation Assistance for the Disabled and Elderly or TransADE, to match increases in federal transit funding; and

WHEREAS, this expansion of service addresses coordinated transportation options available to Montana's

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transit-dependent residents."

And, as amended, be adopted. Report adopted.

**SJR 451**, introduced joint resolution, be amended as follows:

1. Title, line 4.

**Strike:** "MUNICIPALITIES"

**Insert:** "A LOCAL GOVERNMENT"

2. Title, lines 5 and 6.

**Following:** "AUTHORIZING" on line 5

**Strike:** remainder of line 5 through "ON" on line 6

**Insert:** "LOCAL GOVERNMENTS TO EXECUTE A LIEN ON DEBRIS REMOVAL"

**Following:** "PROCEEDS;"

**Strike:** "AND"

3. Title, line 7.

**Following:** "MCA"

**Insert:** "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE"

4. Page 1, lines 15 and 16.

**Following:** "A" on line 15

**Strike:** remainder of line 15 through "other" on line 16

**Insert:** "local government may execute a lien on the portion of insurance proceeds for debris removal if it is determined that the underlying property is worth less than the cost of debris removal and an"

5. Page 1, line 21 through page 2, line 7.

**Strike:** sections 2 and 3 in their entirety

**Insert:** "NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval."

**Insert:** "NEW SECTION. Section 3. Applicability. [This act] applies to insurance policies entered into or renewed on or after [the effective date of this act]."

And, as amended, be adopted. Report adopted.

**SJR 503**, introduced joint resolution, be amended as follows:

1. Page 2, line 10.

**Strike:** "except" through "(7)(d)."

2. Page 2, line 25.

**Strike:** "all"

**Insert:** "the owners of"

**Strike:** "owners"

And, as amended, be adopted. Report adopted.

**SJR 527**, introduced joint resolution, be amended as follows:

1. Page 1, line 14.

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**Following:** the first "chapter"

**Insert:** "or on lots within incorporated cities and towns"

And, as amended, be adopted. Report adopted.

**NATURAL RESOURCES AND ENERGY** (Lind, Chairman):

2/23/2007

**SB 195**, introduced bill, be amended as follows:

1. Title, line 5 through line 14.

**Strike:** "ELIMINATING" on line 5 through "MCA" on line 14

**Insert:** "ELIMINATING THE REQUIREMENT THAT A PUBLIC UTILITY FUNCTIONALLY SEPARATE ITS ELECTRICITY SUPPLY, RETAIL TRANSMISSION, RETAIL DISTRIBUTION, AND REGULATED AND UNREGULATED RETAIL ENERGY SERVICES IN MONTANA; AND AMENDING SECTION 69-8-204, MCA"

2. Page 1, line 18 through page 20, line 18

**Strike:** everything after the enacting clause

**Insert:** "Section 1. Section 69-8-204, MCA, is amended to read:

**"69-8-204. Public utility -- functional separation, divestiture, and nondiscrimination.** ~~(1) To the extent that a public utility is vertically integrated, a public utility shall functionally separate the public utility's electricity supply, retail transmission, retail distribution, and regulated and unregulated retail energy services operations in the state of Montana, upon application to and approval from the commission.~~

~~(2)~~(1) Public utilities shall:

(a) prevent undue discrimination in favor of their own power supply, other services, divisions, or affiliates, if any;

(b) prevent any other forms of self-dealing that could result in noncompetitive electricity prices to customers; and

(c) grant customers and their electricity suppliers access to the public utility's retail transmission and distribution system on a nondiscriminatory basis at rates, terms, and conditions of service comparable to the use of the retail transmission and distribution system by the public utility and the public utility's affiliates.

~~(2)~~(2) The provisions of this section are satisfied if the public utility adopts and complies with a code of conduct consistent with the federal energy regulatory commission approved code of conduct pursuant to 18 CFR, part 37, and commission rules and orders.""

And, as amended, do pass. Report adopted.

**SB 452**, introduced bill, be amended as follows:

1. Page 2, line 15.

**Following:** "forest"

**Insert:** "management"

2. Page 2.

**Following:** line 25

**Insert:** "(8) "Ranches" and "farms" mean agricultural lands as provided for in 15-7-202."

**Renumber:** subsequent subsections

3. Page 2, line 28.

**Strike:** the second "and"

**Insert:** "products and continued generation of"

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4. Page 3.

**Following:** line 5

**Insert:** "(b) promote historical uses of property, including common ranching, farming, and timber harvest activities;"

**Renumber:** subsequent subsections

5. Page 3, line 13 through line 15.

**Strike:** "Historical" on line 13 through "property." on line 15

6. Page 3, line 27.

**Strike:** "a timber interest"

**Insert:** "forest landowners"

7. Page 3, line 28.

**Strike:** "an"

**Strike:** "interest"

**Insert:** "landowners"

8. Page 5.

**Following:** line 18

**Insert:** "(5) Funds in this account may not be used for fee simple title acquisitions of working ranches and farms."

9. Page 6.

**Following:** line 6

**Insert:** "(h) provision for lost property tax revenue for affected political subdivisions;"

**Renumber:** subsequent subsections

And, as amended, do pass. Report adopted.

**TAXATION** (Elliott, Chairman):

2/23/2007

**SB 378**, introduced bill, be amended as follows:

1. Title, line 6 through line 7.

**Strike:** "REQUIRING" on line 6 through "CODE;" on line 7

2. Page 1, line 16 through line 21.

**Strike:** subsection (2) in its entirety

**Insert:** "(2) If a term is not defined in this chapter, the term has the same meaning as it does when used in a comparable context in the internal revenue code."

3. Page 1, line 27 through page 2, line 2.

**Strike:** subsection (2) in its entirety

**Insert:** "(2) If a term is not defined in this chapter, the term has the same meaning as it does when used in a comparable context in the internal revenue code."

And, as amended, do pass. Report adopted.

**SB 483**, do pass. Report adopted.

**SB 533**, introduced bill, be amended as follows:

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1. Title, line 8.

**Strike:** "AND"

**Insert:** ", "

2. Title, line 8.

**Following:** "DATE"

**Insert:** ", AND A TERMINATION DATE"

3. Page 1.

**Following:** line 25

**Insert:** "NEW SECTION. **Section 4. Termination.** [This act] terminates July 1, 2009."

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

**House bill** passed and transmitted to the Senate for concurrence: 2/22/2007

**HB 175**, introduced by Bergren

**House bill** passed and transmitted to the Senate for concurrence: 2/22/2007

**HB 176**, introduced by Wilmer

**House bill** passed and transmitted to the Senate for concurrence: 2/22/2007

**HB 332**, introduced by Thomas

**House bill** passed and transmitted to the Senate for concurrence: 2/22/2007

**HB 491**, introduced by Sinrud

**House bill** passed and transmitted to the Senate for concurrence: 2/22/2007

**HB 514**, introduced by Caferro

**House bill** passed and transmitted to the Senate for concurrence: 2/22/2007

**HB 597**, introduced by Stoker

**House bill** passed and transmitted to the Senate for concurrence: 2/22/2007

**HB 619**, introduced by Sinrud

**House bill** passed and transmitted to the Senate for concurrence: 2/22/2007

**HB 636**, introduced by Bixby

**House bill** passed and transmitted to the Senate for concurrence: 2/22/2007

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**HB 689**, introduced by Olson

**House joint resolution** passed and transmitted to the Senate for concurrence: 2/22/2007

**HJR 26**, introduced by Callahan

**House bill** passed and transmitted to the Senate for concurrence: 2/22/2007

**HB 36**, introduced by Lambert

**MOTIONS**

**SEN. VERDELL JACKSON, SD 5, KALISPELL** moved to take **SB 377** out of committee and placed on second reading on the 43rd Legislative day. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gallus, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Tash.  
Total 24

Nays: Cocchiarella, Elliott, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 25

Absent or not voting: None.  
Total 0

Excused: Jent.  
Total 1

**SEN. KEITH BALES, SD 20, OTTER** moved **SB 407** be brought back to second reading on the 43rd Legislative day. Motion **carried** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Gillan, Jackson, Kitzenberg, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Ryan, Schmidt, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 28

Nays: Cocchiarella, Elliott, Gallus, Hansen, Harrington, Hawks, Juneau, Kaufmann, Larson, Laslovich, Lind, Moss, Pease, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 21

Absent or not voting: None.  
Total 0

Excused: Jent.  
Total 1

**SEN. ROY BROWN, SD 25, BILLINGS** moved **SB 310** be brought back to second reading on the 43rd Legislative day. Motion **carried** as follows:

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Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Moss, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 25

Nays: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 24

Absent or not voting: None.  
Total 0

Excused: Jent.  
Total 1

**SEN. JIM SHOCKLEY, SD 45, VICTOR** moved **SB 267** be brought back to second reading on the 43rd Legislative day. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 24

Nays: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 25

Absent or not voting: None.  
Total 0

Excused: Jent.  
Total 1

**SEN. DANIEL MCGEE, SD 29, LAUREL** moved **SB 86** be brought back to second reading on the 43rd Legislative day. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 23

Nays: Brueggeman, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 26

Absent or not voting: None.  
Total 0

Excused: Jent.  
Total 1



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**SEN. JERRY O'NEIL, SD 3, COLUMBIA FALLS** moved **SB 476** be brought back to second reading on the 43rd Legislative day. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Ryan, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 24

Nays: Cocchiarella, Elliott, Esp, Gallus, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 25

Absent or not voting: None.  
Total 0

Excused: Jent.  
Total 1

**SEN. DON RYAN, SD 10, GREAT FALLS** moved to bring **SB 458** out of committee and placed on the 43rd Legislative day agenda. Motion **failed** as follows:

Yeas: Cocchiarella, Gallus, Hansen, Harrington, Kaufmann, Lind, Ryan, Smith, Weinberg, Mr. President.  
Total 10

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Elliott, Esp, Essmann, Gebhardt, Gillan, Hawks, Jackson, Juneau, Kitzenberg, Laible, Larson, Laslovich, Lewis, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Schmidt, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Williams.  
Total 39

Absent or not voting: None.  
Total 0

Excused: Jent.  
Total 1

**SEN. JERRY O'NEIL, SD 3, COLUMBIA FALLS** moved to change his vote on **SB 479** from "yes" to "no". Motion carried.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Brueggeman in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 96** - Senator Williams moved **SB 96** do pass. Motion carried with Senator Balyeat, McGee, Gebhardt, Esp voting nay.

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**SB 91** - Senator Williams moved **SB 91**, second reading copy, be amended as follows:

1. Page 1, line 23.

**Strike:** "an annual report"

**Insert:** "semiannual reports"

**Following:** "by"

**Strike:** "a"

2. Page 1, line 24.

**Strike:** "date"

**Insert:** "the dates"

**Strike:** "report"

**Insert:** "reports"

Amendment adopted as follows:

Yeas: Black, Cobb, Cocchiarella, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Jackson, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Lind, Moss, Pease, Schmidt, Shockley, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 28

Nays: Bales, Balyeat, Barkus, Brown, Brueggeman, Curtiss, Esp, Gebhardt, Hawks, Laslovich, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Stapleton, Steinbeisser, Story, Tash.

Total 20

Absent or not voting: None.

Total 0

Excused: Jent, Ryan.

Total 2

**SB 91** - Senator Williams moved **SB 91**, as amended, do pass. Motion carried as follows:

Yeas: Balyeat, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Gallus, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Perry, Schmidt, Shockley, Smith, Squires, Stapleton, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 34

Nays: Bales, Barkus, Black, Brown, Curtiss, Essmann, Gebhardt, Jackson, McGee, Murphy, O'Neil, Peterson, Steinbeisser, Tash.

Total 14

Absent or not voting: None.

Total 0

Excused: Jent, Ryan.

Total 2

**SB 172** - Senator J. Tropila moved **SB 172** do pass. Motion carried unanimously.

**SB 479** - Senator Elliott moved **SB 479** do pass. Motion carried with Senators Barkus, O'Neil voting nay.

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**SB 524** - Senator Wanzenried moved **SB 524**, second reading copy, be amended as follows:

1. Page 4, line 21.

**Strike:** "purposely, knowingly, or negligently"

Amendment adopted unanimously.

**SB 524** - Senator Wanzenried moved **SB 524**, as amended, do pass. Motion carried unanimously.

**SB 376** - Senator Jackson moved **SB 376**, second reading copy, be amended as follows:

1. Title, page 1, line 14.

**Strike:** "NO"

**Insert:** "A"

Amendment adopted unanimously.

**SB 376** - Senator Jackson moved **SB 376**, as amended, do pass. Motion carried unanimously.

**SB 523** - Senator Laslovich moved **SB 523** do pass. Motion carried unanimously.

**SB 253** - Senator Cooney moved **SB 253**, second reading copy, be amended as follows:

1. Title, line 6.

**Following:** "PRACTICES;"

**Insert:** "AUTHORIZING THE COUNTY ATTORNEY TO INVESTIGATE AND PROSECUTE ALLEGED FALSE SWEARING IN REGARD TO CERTAIN CAMPAIGN ADVERTISING MATERIAL THAT IS SWORN TO BE TRUTHFUL AND VERIFIABLE;"

2. Title, line 7.

**Strike:** "SECTION"

**Insert:** "SECTIONS 13-37-111, 13-37-113, 13-37-124, AND"

3. Page 1.

**Following:** line 19

**Insert:** "(3)(a) Any person who believes that the content of a script filed pursuant to this section is either untrue or unverifiable may bring the matter to the attention of the county attorney of Lewis and Clark County or the county attorney of the county in which the person is a resident.

(b) The county attorney may investigate the alleged falsification or unverifiability of the script and, if the county attorney determines that sufficient evidence exists to justify a criminal prosecution, shall file a cause of action.

(c) An allegation of violation of subsection (1) may not be filed with, investigated by, or prosecuted by the commissioner of political practices."

**Renumber:** subsequent subsection

4. Page 1.

**Following:** line 21

**Insert:** "Section 2. Section 13-37-111, MCA, is amended to read:

"13-37-111. Investigative powers and duties -- **recusal**. (1) ~~The~~ Except as provided in [section 1], the commissioner is responsible for investigating all of the alleged violations of the election laws contained in

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chapter 35 of this title or this chapter and in conjunction with the county attorneys is responsible for enforcing these election laws.

(2) The commissioner may:

(a) investigate all statements filed pursuant to the provisions of chapter 35 of this title or this chapter and shall investigate alleged failures to file any statement or the alleged falsification of any statement filed pursuant to the provisions of chapter 35 of this title or this chapter. Upon the submission of a written complaint by any individual, the commissioner shall investigate any other alleged violation of the provisions of chapter 35 of this title, this chapter, or any rule adopted pursuant to chapter 35 of this title or this chapter.

(b) inspect any records, accounts, or books that must be kept pursuant to the provisions of chapter 35 of this title or this chapter that are held by any political committee or candidate, as long as the inspection is made during reasonable office hours; and

(c) administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, bank account statements of a political committee or candidate, or other records that are relevant or material for the purpose of conducting any investigation pursuant to the provisions of chapter 35 of this title or this chapter.

(3) If the commissioner determines that considering a matter would give rise to the appearance of impropriety or a conflict of interest, the commissioner is recused from participating in the matter.

(4) (a) If the commissioner is recused pursuant to this section, the commissioner shall appoint a deputy, subject to subsection (4)(b).

(b) The deputy:

(i) may not be an employee of the office of the commissioner;

(ii) must have the same qualifications as specified for the commissioner in 13-37-107;

(iii) with respect to only the specific matter from which the commissioner is recused, has the same authority, duties, and responsibilities as the commissioner would have absent the recusal; and

(iv) may not exercise any powers of the office that are not specifically related to the matter for which the deputy is appointed.

(5) The appointment of the deputy is effectuated by a contract between the commissioner and the deputy. The contract must specify the deputy's term of appointment, which must be temporary, the matter assigned to the deputy, the date on which the matter assigned must be concluded by the deputy, and any other items relevant to the deputy's appointment, powers, or duties."

**Insert: "Section 3.** Section 13-37-113, MCA, is amended to read:

**"13-37-113. Hiring of attorneys -- prosecutions.** The commissioner may hire or retain attorneys who are properly licensed to practice before the supreme court of the state of Montana to prosecute violations of chapter 35 of this title or this chapter. Any attorney retained or hired shall exercise the powers of a special attorney general, and the attorney may prosecute, subject to the control and supervision of the commissioner and the provisions of [section 1], 13-37-124, and 13-37-125, any criminal or civil action arising out of a violation of any provision of chapter 35 of this title or this chapter. All prosecutions must be brought in the state district court for the county in which a violation has occurred or in the district court for Lewis and Clark County. The authority to prosecute as prescribed by this section includes the authority to:

(1) institute proceedings for the arrest of persons charged with or reasonably suspected of criminal violations of chapter 35 of this title or this chapter;

(2) attend and give advice to a grand jury when cases involving criminal violations of chapter 35 of this title or this chapter are presented;

(3) draw and file indictments, informations, and criminal complaints;

(4) prosecute all actions for the recovery of debts, fines, penalties, or forfeitures accruing to the state or county from persons convicted of violating chapter 35 of this title or this chapter; and

(5) do any other act necessary to successfully prosecute a violation of any provision of chapter 35 of this title or this chapter."

**Insert: "Section 4.** Section 13-37-124, MCA, is amended to read:

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**"13-37-124. Consultation and cooperation with county attorney.** (1) ~~Whenever~~ Except as provided in [section 1], whenever the commissioner determines that there appears to be sufficient evidence to justify a civil or criminal prosecution under chapter 35 of this title or this chapter, the commissioner shall notify the county attorney of the county in which the alleged violation occurred and shall arrange to transmit to the county attorney all information relevant to the alleged violation. If the county attorney fails to initiate the appropriate civil or criminal action within 30 days after receiving notification of the alleged violation, the commissioner may then initiate the appropriate legal action.

(2) A county attorney may, at any time prior to the expiration of the 30-day time period specified in subsection (1), waive the right to prosecute, and the waiver authorizes the commissioner to initiate the appropriate civil or criminal action.

(3) The provisions of subsection (1) do not apply to a situation in which the alleged violation has been committed by the county attorney of a county. In this instance, the commissioner is authorized to directly prosecute any alleged violation of chapter 35 of this title or this chapter.

(4) If a prosecution is undertaken by the commissioner, all court costs associated with the prosecution must be paid by the state of Montana, and all fines and forfeitures imposed pursuant to a prosecution by the commissioner, except those paid to or imposed by a justice's court, must be deposited in the state general fund.""

**Renumber:** subsequent sections

Amendment adopted unanimously.

**SB 253** - Senator Cooney moved **SB 253**, as amended, do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 44

Nays: Barkus, Cobb, Essmann, Gebhardt.  
Total 4

Absent or not voting: None.  
Total 0

Excused: Jent, Ryan.  
Total 2

**SB 431** - Senator Lind moved **SB 431** do pass. Motion carried unanimously.

**SB 289** - Senator Gallus moved **SB 289** do pass. Motion carried unanimously.

**SB 478** - Senator Weinberg moved **SB 478** do pass. Motion carried unanimously.

**SJR 23** - Senator Harrington moved **SJR 23** be adopted. Motion carried unanimously.

**SJR 22** - Senator Cocchiarella moved **SJR 22** be adopted. Motion carried unanimously.

**SB 306** - Senator Harrington moved **SB 306** do pass. Motion **carried** as follows:

Yeas: Brown, Brueggeman, Cocchiarella, Elliott, Gallus, Gillan, Harrington, Hawks, Juneau, Kaufmann, Larson,

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Lind, Moss, Pease, Perry, Schmidt, Shockley, Smith, Squires, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 27

Nays: Bales, Balyeat, Barkus, Black, Cobb, Curtiss, Esp, Essmann, Gebhardt, Hansen, Jackson, Kitzenberg, Laible, Laslovich, Lewis, McGee, Murphy, O'Neil, Peterson, Stapleton, Story.

Total 21

Absent or not voting: None.

Total 0

Excused: Jent, Ryan.

Total 2

Senator Williams moved the committee rise, report, beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Brueggeman moved the Committee of the Whole report be adopted. Report adopted unanimously.

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** moved the Senate recess at 3:28 p.m. and reconvene at 7:00 p.m. this evening. Motion carried.

7:00 p.m.

Roll Call. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 40

Nays: Balyeat, Gebhardt, Jackson, Lind, McGee, O'Neil, Shockley.

Total 7

Absent or not voting: None.

Total 0

Excused: Elliott, Esp, Jent.

Total 3

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Brueggeman in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 320** - Senator Gillan moved **SB 320** do pass. Motion **failed** as follows:

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Yeas: Brown, Cocchiarella, Essmann, Gillan, Hawks, Juneau, Kaufmann, Kitzenberg, Laslovich, Lind, Moss, Ryan, Schmidt, Story, Weinberg, Williams, Mr. President.  
Total 17

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Curtiss, Elliott, Gallus, Gebhardt, Hansen, Harrington, Jackson, Laible, Larson, Lewis, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Shockley, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried.  
Total 31

Absent or not voting: None.  
Total 0

Excused: Esp, Jent.  
Total 2

**SB 145** - Senator Shockley moved consideration of **SB 145** be passed for the day. Motion carried.

**SJR 11** - Senator Black moved **SJR 11** be adopted. Motion carried with Senator Gebhardt, Squires, Esp voting nay.

**SB 286** - Senator Cooney moved consideration of **SB 286** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**SB 463** - Senator Kitzenberg moved **SB 463** do pass. Motion carried as follows:

Yeas: Bales, Black, Brueggeman, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, Steinbeisser, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 31

Nays: Balyeat, Barkus, Brown, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Tash.  
Total 18

Absent or not voting: None.  
Total 0

Excused: Jent.  
Total 1

**SB 383** - Senator Laslovich moved **SB 383** do pass. Motion carried as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams.  
Total 43

Nays: Balyeat, Curtiss, Jackson, Shockley, Steinbeisser, Mr. President.  
Total 6

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Absent or not voting: None.  
Total 0

Excused: Jent.  
Total 1

**SB 536** - Senator Perry moved **SB 536** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Laible, Larson, Laslovich, Lewis, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 28

Nays: Black, Gillan, Hansen, Harrington, Hawks, Jackson, Juneau, Kaufmann, Kitzenberg, Lind, Moss, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 21

Absent or not voting: None.  
Total 0

Excused: Jent.  
Total 1

**SB 461** - Senator Bales moved **SB 461** do pass. Motion carried unanimously.

**SJR 7** - Senator Lind moved **SJR 7** be adopted. Motion carried with Senator Esp voting nay.

**SB 359** - Senator Cocchiarella moved **SB 359** do pass. Motion carried with Senator Balyeat, Gillan, O'Neil, Esp, Black voting nay.

**SB 459** - Senator Elliott moved **SB 459** do pass. Motion carried unanimously.

**SB 286** - Senator Cooney moved consideration of **SB 286** be passed for the day. Motion carried.

**SB 320** - Senator Williams moved **SB 320** be **indefinitely postponed**. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Hansen, Harrington, Jackson, Juneau, Kaufmann, Laible, Larson, Laslovich, Lewis, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams.  
Total 40

Nays: Gallus, Gebhardt, Gillan, Hawks, Kitzenberg, Lind, Moss, Schmidt, Mr. President.  
Total 9

Absent or not voting: None.  
Total 0

Excused: Jent.  
Total 1



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**SB 465** - Senator Cocchiarella moved **SB 465** do pass. Motion carried with Senator Wanzenried voting nay.

**SB 485** - Senator Brueggeman moved **SB 485** do pass. Motion carried unanimously.

**SJR 12** - Senator Brueggeman moved **SJR 12** be adopted. Motion carried as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Essmann, Gebhardt, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 42

Nays: Balyeat, Curtiss, Esp, Jackson, Laible, Lewis.  
Total 6

Absent or not voting: None.  
Total 0

Excused: Gallus, Jent.  
Total 2

**SB 64** - Senator Cobb moved **SB 64** do pass. Motion carried as follows:

Yeas: Bales, Black, Brueggeman, Cobb, Cocchiarella, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Ryan, Schmidt, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 31

Nays: Balyeat, Barkus, Brown, Curtiss, Esp, Gebhardt, Jackson, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Smith, Steinbeisser, Story, Tash.  
Total 17

Absent or not voting: None.  
Total 0

Excused: Jent, Stapleton.  
Total 2

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Brueggeman moved the Committee of the Whole report be adopted. Report adopted unanimously.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 466** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Juneau, Kaufmann, Kitzenberg, Laible, Larson,

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Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Jent.  
Total 1

**SB 113** passed as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 43

Nays: Balyeat, Brown, Esp, McGee, O'Neil, Stapleton.  
Total 6

Absent or not voting: None.  
Total 0

Excused: Jent.  
Total 1

**SB 168** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Jent.  
Total 1

**SB 416** passed as follows:

Yeas: Bales, Cobb, Cocchiarella, Elliott, Esp, Gillan, Hansen, Harrington, Hawks, Jackson, Juneau, Kaufmann,

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Kitzenberg, Laible, Larson, Laslovich, Lewis, McGee, Moss, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 34

Nays: Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Essmann, Gallus, Gebhardt, Lind, Murphy, O'Neil, Shockley, Stapleton, Steinbeisser.

Total 15

Absent or not voting: None.

Total 0

Excused: Jent.

Total 1

**SB 273** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 47

Nays: Brown, Smith.

Total 2

Absent or not voting: None.

Total 0

Excused: Jent.

Total 1

**SB 411** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Jent.

Total 1

**SB 424** passed as follows:

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Yeas: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 33

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, McGee, Murphy, O'Neil, Perry, Shockley, Stapleton, Tash.

Total 17

Paired: Jent, Aye; Murphy, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 49** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Jent.

Total 1

**SB 300** passed as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Laible, Laslovich, Lewis, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 29

Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Essmann, Gallus, Gebhardt, Jackson, Kitzenberg, Larson, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Tash.

Total 21

Paired: Jent, Aye; Murphy, No.

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SPECIAL ORDERS OF THE DAY**

**SEN. CAROLYN SQUIRES, SD 48, MISSOULA** moved **SR 4** do pass. Motion **carried** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 47

Nays: Curtiss, McGee.  
Total 2

Absent or not voting: None.  
Total 0

Excused: Jent.  
Total 1

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 8:00 a.m., Saturday, February 24, 2007. Motion carried.

Senate adjourned at 9:35 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

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60TH LEGISLATURE  
FORTY-SECOND LEGISLATIVE DAY**

Helena, Montana  
February 24, 2007

Senate Chambers  
State Capitol

Senate convened at 8:00 a.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. Senator Jent is excused. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 43

Nays: Balyeat, Gebhardt, Jackson, McGee, O'Neil, Shockley.  
Total 6

Absent or not voting: None.  
Total 0

Excused: Jent.  
Total 1

**MOTIONS**

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** moved the Democrats to caucus. **SEN. COREY STAPLETON, SD 27, BILLINGS** moved the Republicans to caucus. Motions carried.

Senate recessed at 8:07 a.m.

Senate reconvened at 8:35 a.m.

Roll Call. Senator Jent is excused. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Hansen, Hawks, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 41

Nays: Balyeat, Esp, Gebhardt, Jackson, McGee, O'Neil, Shockley.  
Total 7

Absent or not voting: None.  
Total 0

Excused: Jent.  
Total 1

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**REPORTS OF STANDING COMMITTEES**

**AGRICULTURE, LIVESTOCK AND IRRIGATION** (Hansen, Chairman):  
**SB 544**, introduced bill, be amended as follows:

3/13/2007

1. Title, line 4.  
**Following:** "BEEF"  
**Insert:** "CATTLE"
2. Title, line 5.  
**Strike:** "BOARD"  
**Insert:** "DEPARTMENT"
3. Title, line 6.  
**Following:** "BEEF"  
**Insert:** "CATTLE"
4. Title, line 7.  
**Following:** "BEEF"  
**Insert:** "CATTLE"
5. Page 1, line 11.  
**Following:** "beef"  
**Insert:** "cattle"
6. Page 1, line 12.  
**Strike:** "board"  
**Insert:** "department"  
**Following:** "beef"  
**Insert:** "cattle"  
**Following:** "that"  
**Strike:** "has"  
**Insert:** "have"
7. Page 1, line 14.  
**Following:** first "beef"  
**Insert:** "cattle"  
**Following:** second "beef"  
**Strike:** "must be from"  
**Following:** "cattle"  
**Strike:** "that"  
**Insert:** "must"
8. Page 1, line 15.  
**Following:** "The"  
**Insert:** "beef"
9. Page 1, line 20.

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**Following:** "chemicals,"  
**Insert:** "or"  
**Following:** "byproducts"  
**Strike:** ", or artificial additives"

10. Page 1, line 21.  
**Following:** first "beef"  
**Insert:** "cattle"  
**Following:** second "beef"  
**Strike:** "must be from"  
**Following:** "cattle"  
**Strike:** "that"  
**Insert:** "must"

11. Page 1, line 22.  
**Strike:** "that"  
**Insert:** "must"

12. Page 1, line 23.  
**Following:** "beef"  
**Insert:** "cattle"  
**Following:** "birth of the"  
**Insert:** "beef"

13. Page 1, line 24.  
**Following:** "records for the"  
**Insert:** "beef"

14. Page 1, line 26.  
**Strike:** "board"  
**Insert:** "department"

15. Page 1, line 27.  
**Following:** "origin of the"  
**Insert:** "beef"

16. Page 1, line 28.  
**Following:** "beef"  
**Insert:** "cattle"

17. Page 1, line 29.  
**Following:** "beef"  
**Insert:** "cattle"

And, as amended, do pass. Report adopted.

**SJR 13**, introduced joint resolution, be amended as follows:

1. Page 2, line 30.  
**Strike:** "and"



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2. Page 3, line 1.

**Following:** "Services"

**Strike:** ". "

**Insert:** "; and (15) the Department of Livestock."

And, as amended, be adopted. Report adopted.

**EDUCATION AND CULTURAL RESOURCES** (Ryan, Chairman):

2/24/2007

**SB 307**, introduced bill, be amended as follows:

1. Title, page 1, line 7.

**Following:** "DATE"

**Insert:** "AND A TERMINATION DATE"

2. Page 1.

**Following:** line 21

**Insert:** "NEW SECTION. **Section 4. Termination.** [This act] terminates June 30, 2013."

And, as amended, do pass. Report adopted.

**SB 506**, introduced bill, be amended as follows:

1. Title, page 1, line 13 through line 14.

**Strike:** "ELIMINATING" on line 13 through "DISTRICTS;" on line 14

2. Title, page 1, line 15.

**Following:** "20-5-201,"

**Insert:** "AND"

**Following:** "20-5-202,"

**Strike:** "20-15-203, AND 20-15-208,"

3. Page 7, line 10.

**Following:** "issues."

**Insert:** "These meetings must be limited to discussion. Decisionmaking may occur only at a properly noticed meeting that is held within the boundaries of the school district."

4. Page 8, line 28 through line 29.

**Strike:** "This subsection does not prohibit a"

**Insert:** "A"

**Strike:** "from taking"

**Insert:** "may take"

5. Page 10, line 2.

**Following:** "for"

**Strike:** "an"

**Insert:** "one"

**Following:** "additional"

**Insert:** "period of up to"

6. Page 10, line 3.

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**Following:** "suspension"

**Insert:** "and if the decision to continue the suspension does not violate the Individuals With Disabilities Education Act, 20 U.S.C. 1400, et seq"

7. Page 10, line 20 through page 11, line 21.

**Strike:** sections 9 and 10 in their entirety

**Renumber:** subsequent section

And, as amended, do pass. Report adopted.

**SB 508**, do pass. Report adopted.

**SJR 16**, be adopted. Report adopted.

**SJR 25**, introduced joint resolution, be amended as follows:

1. Title, page 1, line 8.

**Following:** "SOLDIERS"

**Insert:** "; AND REQUESTING THE DEPARTMENT OF MILITARY AFFAIRS TO CONSIDER, AND MAKE RECOMMENDATIONS TO THE LEGISLATURE ABOUT, CREATING AN APPROPRIATE MEDAL HONORING MONTANA SOLDIERS KILLED IN ACTION"

2. Page 1, line 10.

**Strike:** "conflict"

**Insert:** "war"

3. Page 1, line 14.

**Strike:** "gratitude and"

**Following:** "sympathy"

**Insert:** "and gratitude"

4. Page 1, line 15.

**Strike:** "deceased"

5. Page 1, line 19.

**Strike:** "every member"

**Insert:** "members"

6. Page 1, line 22.

**Following:** line 21

**Insert:** "BE IT FURTHER RESOLVED, that the Department of Military Affairs be requested to consider, and make recommendations to the Legislature about, creating an appropriate medal honoring Montana soldiers killed in action."

And, as amended, be adopted. Report adopted.

**NATURAL RESOURCES AND ENERGY** (Lind, Chairman):

2/24/2007

**SB 223**, introduced bill, be amended as follows:

1. Title, line 4.

**Following:** "PROVIDING THAT"

**Insert:** "IF AN APPROPRIATOR HAS A POSSESSORY INTEREST IN REAL PROPERTY WHERE A

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COAL BED METHANE INFRASTRUCTURE IS LOCATED AND THE WATER TO BE APPROPRIATED WILL BE BENEFICIALLY USED ON THE APPROPRIATOR'S REAL PROPERTY, LEASED PROPERTY, OR PERMITTED PROPERTY,"

2. Title, line 6.

Following: "METHANE"

**Strike:** "WELLS"

**Insert:** "PRODUCTION; PROVIDING A DEADLINE FOR SUBMITTING A NOTICE OF COMPLETION TO THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION; PROVIDING THAT AFTER COAL BED METHANE PRODUCTION HAS CEASED, A PERSON WHO WANTS TO CONTINUE TO USE THE WATER IS REQUIRED TO ACQUIRE AN APPROPRIATION RIGHT"

3. Page 3, line 7 through line 8.

**Strike:** subsection (8) in its entirety

**Insert:** "(8) (a) If an appropriator has a possessory interest in real property where a coal bed methane infrastructure is located and the water to be appropriated will be beneficially used on the appropriator's real property, leased property, or permitted property, a permit is not required before appropriating water when it is produced in association with coal bed methane production.

(b) Within 60 days of completion of the delivery facilities and appropriation of the developed water for beneficial use, the appropriator shall file a notice of completion with the department on a form provided by the department through its offices. The department shall accept a notice of completion and may not require additional information if the notice of completion contains:

- (i) the point of distribution from the coal bed methane producer's infrastructure;
- (ii) the place of use, which must be in Montana;
- (iii) the maximum volume, not to exceed 750 acre-feet a year; and
- (iv) the period of use.

(c) Within 60 days after the cessation of coal bed methane production, the coal bed methane production company or the landowner shall inform the department that production has ceased. If the landowner wishes to continue the use of the water, the landowner shall file for an appropriation right."

And, as amended, do pass. Report adopted.

**SB 473**, introduced bill, be amended as follows:

1. Page 4, line 5.

**Following:** "(1)(b)"

**Insert:** "on the first 50 million gallons sold in Montana"

2. Page 8, line 10.

**Strike:** "3"

**Insert:** "6"

And, as amended, do pass. Report adopted.

**SJR 20**, be adopted. Report adopted.

**PUBLIC HEALTH, WELFARE AND SAFETY** (Weinberg, Chairman):

2/24/2007

**SB 428**, introduced bill, be amended as follows:

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1. Title, page 1, line 5.

**Strike:** "COSTS"

2. Title, page 1, line 6.

**Following:** "33-35-306,"

**Insert:** "AND"

**Following:** "53-4-1005,"

**Strike:** "AND 53-6-101,"

3. Page 1, line 11.

**Following:** "of"

**Insert:** "cancer"

4. Page 1.

**Following:** line 12

**Insert:** "(a) "Clinical trial" means a clinical trial of a cancer treatment drug, device, or service."

**Renumber:** subsequent subsections

5. Page 1, line 23 through line 25.

**Strike:** subsection (d)(i) in its entirety

**Insert:** "(e) (i) "Routine patient care" means medical services or items that would be covered under a person's group or individual disability policy, certificate of insurance, or membership contract if the person were not enrolled or participating in a clinical trial. Routine patient care includes administration of a drug or item under evaluation in a clinical trial only if the administration is included in or part of the administration of other drugs or items that would be covered if the person were not enrolled or participating in a clinical trial."

6. Page 1, line 26.

**Strike:** "the cost of"

7. Page 1, line 27.

**Following:** "service"

**Insert:** "that is under evaluation in the clinical trial"

**Following:** line 27

**Insert:** "(B) an investigational or experimental drug, device, service, or other item excluded under the terms of the policy, certificate, or contract;

(C) drugs, devices, services, or other items related to complications resulting from the clinical trial;

(D) services that are inconsistent with generally accepted standards of care or practice guidelines;"

**Renumber:** subsequent subsections

8. Page 1, line 29.

**Following:** "trial"

**Strike:** "and that" through "condition"

9. Page 1, line 30.

**Following:** "(C) a"

**Insert:** "drug, device, or"

**Following:** "defined"

**Insert:** "and included"

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**Following:** "protocol"

**Strike:** "and that is outside of conventional care"

10. Page 2, line 5.

**Strike:** "costs incurred as the result of"

**Insert:** "provided to a person participating in"

11. Page 2, line 22.

**Strike:** "may not"

**Insert:** "is not required to"

**Strike:** "that supplant a portion of a cancer clinical trial that is"

**Insert:** "for drugs, devices, services, or other items that are"

12. Page 2, line 23.

**Following:** "paid for"

**Insert:** "or provided free of charge to the patient"

13. Page 2, line 24.

**Following:** "sources"

**Insert:** "as part of or in connection with a cancer clinical trial. If a provider is paid or reimbursed for any drug, device, service, or other item by both the health insurance issuer and the government agency or other sources, the provider shall reimburse the health insurance issuer"

**Following:** line 24

**Insert:** " (5)(a) If a person insured under a group or individual disability policy, certificate of insurance, or membership contract decides to participate in a clinical trial, the person or the person's physician shall notify the health insurance issuer in writing as soon as practicable that the person is participating in a clinical trial.

(b) The notice must specify the nature of the clinical trial and the entity or entities that have approved and are funding the clinical trial and must provide information demonstrating that the clinical trial meets the criteria specified in subsections (2)(a) through (2)(c).

(c) Following receipt of written notice as provided in subsections (5)(a) and (5)(b), the health insurance issuer shall cooperate reasonably with the person or the person's physician to provide information regarding the drugs, devices, services, and other items that will and will not be covered under the person's policy, certificate, or contract and the benefits that will be provided for covered drugs, devices, services, and other items.

(d) For purposes of the cooperation required under subsection (5)(c):

(i) the person or the person's physician shall make available to the health insurance issuer the clinical trial protocol and other information reasonably requested by the health insurance issuer; and

(ii) the person's physician or, at the request of the person's physician, the clinical trial sponsor, director, or other person knowledgeable about the details of the clinical trial shall answer the health insurance issuer's reasonable questions regarding the clinical trial, the person's participation in the clinical trial, and the drugs, devices, services, or other items that are included in or part of the clinical trial.

(e) A health insurance issuer is not required to provide information or to provide the coverage or benefits required under this section to the extent that:

(i) a person or the person's physician fails to provide notice or fails to provide information or access to knowledgeable persons as required in this subsection (5); and

(ii) the notice, information, or access is reasonably required by the health insurance issuer to determine the correct information or to determine the coverage or benefits available to the person under the person's policy, certificate, or contract"

**Renumber:** subsequent subsections

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14. Page 2.

**Following:** line 30

**Insert:** "(8) This section does not preclude the application of deductibles, copayments, coinsurance, or other terms and conditions of a disability insurance policy, certificate, or contract that would apply to routine patient care if the person were not enrolled or participating in a clinical trial."

15. Page 6, line 14.

**Strike:** "costs of"

**Insert:** "for individuals enrolled in"

**Strike:** "pursuant to"

**Insert:** "as provided in"

16. Page 6, line 18 through page 9, line 14.

**Strike:** section 6 in its entirety

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**SB 498**, do pass. Report adopted.

**SB 500**, do pass. Report adopted.

**SB 518**, introduced bill, be amended as follows:

1. Title, lines 4 and 5.

**Following:** "BIRTH" on line 4

**Strike:** remainder of line 4 through "RESULTS" on line 5

**Insert:** "RESULTING"

**Following:** "STILLBIRTH;" on line 5

**Insert:** "AMENDING SECTION 50-15-101, MCA;"

**Strike:** "AN"

**Insert:** "A DELAYED"

2. Page 1, line 9.

**Strike:** "-- definition"

3. Page 1, line 10.

**Following:** "birth"

**Insert:** "resulting in a stillbirth"

4. Page 1, line 11.

**Strike:** "The certificate must contain the information required under 50-15-221(4). The"

**Insert:** "Upon request by a parent, a"

**Following:** "of"

**Insert:** "birth resulting in a"

**Strike:** "is"

**Insert:** "must be filed"

5. Page 1, line 12.

**Following:** "certificate of"

**Insert:** "birth resulting in a"

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6. Page 1, line 14.

**Strike:** subsection (2) in its entirety

**Insert:** "(2) A certificate of birth resulting in a stillbirth may be filed by:

(a) the physician, the physician's designee, or the direct-entry midwife licensed pursuant to Title 37, chapter 27, in attendance at a stillbirth;

(b) the person in attendance at a stillbirth;

(c) the father or the mother;

(d) in the absence of the father and the inability of the mother, the person in charge of the premises where the stillbirth occurred; or

(e) the local registrar if 50-15-202 applies.

(3) The department shall adopt rules providing for:

(a) the time by which the certificate of birth resulting in a stillbirth must be filed after the stillbirth;

(b) the evidence required to establish the facts of a stillbirth; and

(c) the information required on a certificate of birth resulting in a stillbirth."

7. Page 1, line 15.

**Insert:** "Section 2. Section 50-15-101, MCA, is amended to read:

**"50-15-101. Definitions.** Unless the context requires otherwise, in parts 1 through 4, the following definitions apply:

(1) "Advanced practice registered nurse" means an individual who has been certified as an advanced practice registered nurse as provided in 37-8-202.

(2) "Authorized representative" means a person:

(a) designated by an individual, in a notarized written document, to have access to the individual's vital records;

(b) who has a general power of attorney for an individual; or

(c) appointed by a court to manage the personal or financial affairs of an individual.

(3) "Dead body" means a human body or parts of a human body from which it reasonably may be concluded that death occurred.

(4) "Department" means the department of public health and human services provided for in 2-15-2201.

(5) "Dissolution of marriage" means a marriage terminated pursuant to Title 40, chapter 4, part 1.

(6) "Fetal death" means death of the fetus prior to the complete expulsion or extraction from its mother as a product of conception, notwithstanding the duration of pregnancy. The death is indicated by the fact that after expulsion or extraction, the fetus does not breathe or show any other evidence of life, such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles. Heartbeats are distinguished from transient cardiac contractions. Respirations are distinguished from fleeting respiratory efforts or gasps.

(7) "Final disposition" means the burial, interment, cremation, removal from the state, or other authorized disposition of a dead body or fetus.

(8) "Invalid marriage" means a marriage decreed by a district court to be invalid for the reasons contained in 40-1-402.

(9) "Live birth" means the complete expulsion or extraction from the mother as a product of conception, notwithstanding the duration of pregnancy. The birth is indicated by the fact that after expulsion or extraction, the child breathes or shows any other evidence of life, such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles. Heartbeats are distinguished from transient cardiac contractions. Respirations are distinguished from fleeting respiratory efforts or gasps.

(10) "Local registrar" means a person appointed by the department to act as its agent in administering this chapter in the area set forth in the letter of appointment.

(11) "Person in charge of disposition of a dead body" means a person who places or causes a dead body or the ashes after cremation to be placed in a grave, vault, urn, or other receptacle or otherwise disposes of the body or fetus and who is a funeral director licensed under Title 37, chapter 19, an employee acting for a funeral director, or a person who first assumes custody of a dead body or fetus.

(12) "Physician" means a person legally authorized to practice medicine in this state.

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(13) "Registration" means the process by which vital records are completed, filed, and incorporated into the official records of the department.

(14) "Research" means a systematic investigation designed primarily to develop or contribute to generalizable knowledge.

(15) "Stillbirth" means a fetal death occurring after a minimum of 20 weeks of gestation.

~~(15)~~(16) "System of vital statistics" means the registration, collection, preservation, amendment, and certification of vital records. The term includes the collection of reports required by this chapter and related activities, including the tabulation, analysis, publication, and dissemination of vital statistics.

~~(16)~~(17) "Vital records" means certificates or reports of birth, death, fetal death, marriage, and dissolution of marriage and related reports.

~~(17)~~(18) "Vital statistics" means the data derived from certificates or reports of birth, death, fetal death, induced termination of pregnancy, marriage, and dissolution of marriage and related reports.""

**Renumber:** subsequent sections

8. Page 1, line 19.

**Strike:** "July 1, 2007"

**Insert:** "January 1, 2008"

And, as amended, do pass. Report adopted.

**SB 522**, introduced bill, be amended as follows:

1. Page 8, line 19.

**Strike:** "300"

**Insert:** "400"

And, as amended, do pass. Report adopted.

**STATE ADMINISTRATION** (Squires, Chairman):

2/24/2007

**SB 219**, introduced bill, be amended as follows:

1. Title, page 1, line 6 through line 7.

**Following:** "EXCEPT" on line 6

**Strike:** "ACCUMULATED" through "TIME" on line 7

**Insert:** "AS AUTHORIZED BY LAW"

2. Page 1, line 17.

**Following:** "receive"

**Insert:** ":(i)"

3. Page 1, line 19.

**Following:** "employer"

**Insert:** " ; and

(ii) if the termination is the result of a reduction in force, severance pay and a retraining allowance as provided for in 2-18-622"

4. Page 1, line 21.

**Following:** "(2)(a)"

**Insert:** "(i) or (2)(a)(ii)"



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5. Page 1, line 22.

**Following:** "to"

**Insert:** ": (a)"

**Following:** "benefits"

**Insert:** ";

- (b) a payment, settlement, award, or judgment that involves a potential or actual cause of action, legal dispute, claim, grievance, contested case, or lawsuit; or
- (c) any other payment authorized by law"

And, as amended, do pass. Report adopted.

**SB 497**, introduced bill, be amended as follows:

1. Page 2, line 1.

**Strike:** "**ceiling murals**"

**Insert:** "mural"

2. Page 2, line 14.

**Strike:** "ceiling murals"

**Insert:** "a mural"

3. Page 2, line 19.

**Strike:** "murals"

**Insert:** "mural"

4. Page 2, line 21.

**Strike:** "murals"

**Insert:** "mural"

5. Page 2, line 22 through line 23.

**Following:** "renewal" on line 22

**Strike:** ", " through "capitol" on line 23

6. Page 1, line 23.

**Following:** ". "

**Insert:** "The location of the mural must be determined by the commission in consultation with the capitol complex advisory council. "

7. Page 3, line 14.

**Strike:** "ceiling murals"

**Insert:** "mural"

8. Page 4, line 14.

**Strike:** "The"

**Insert:** "Except as provided in [section 1(4)], the"

And, as amended, do pass. Report adopted.

**SB 517**, do pass. Report adopted.

**SB 532**, do pass. Report adopted.

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**SB 538**, do pass. Report adopted.  
**SJR 21**, be adopted. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/23/2007
<b>HB 590</b> , introduced by Everett	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/23/2007
<b>HB 609</b> , introduced by Hamilton	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/23/2007
<b>HB 641</b> , introduced by Musgrove	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/23/2007
<b>HB 657</b> , introduced by Ebinger	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/23/2007
<b>HB 664</b> , introduced by Keane	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/23/2007
<b>HB 681</b> , introduced by Driscoll	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/23/2007
<b>HB 724</b> , introduced by Furey	
<b>House joint resolution</b> passed and transmitted to the Senate for concurrence:	2/23/2007
<b>HJR 25</b> , introduced by Rice	

**MOTIONS**

**SEN. STEVE GALLUS, SD 37, BUTTE** moved **SB 310** be reconsidered on the 44th Legislative day. Motion carried as follows:

Yeas: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 25

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson,

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Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 24

Absent or not voting: None.  
Total 0

Excused: Jent.  
Total 1

**SEN. JOHN COBB, SD 9, AUGUSTA** moved **SB 371** be reconsidered on the 44th Legislative day. Motion **failed** as follows:

Yeas: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Harrington, Hawks, Juneau, Kaufmann, Kitzenberg, Laslovich, Lind, Moss, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 23

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Hansen, Jackson, Laible, Larson, Lewis, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 26

Absent or not voting: None.  
Total 0

Excused: Jent.  
Total 1

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

**SB 293** - Senator Laible moved **SB 293** do pass. Motion carried unanimously.

**SB 382** - Senator Laslovich moved **SB 382** do pass. Motion carried with Senator Gebhardt, O'Neil voting nay.

**SB 491** - Senator Moss moved **SB 491** do pass. Motion carried as follows:

Yeas: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 26

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 23

Absent or not voting: None.  
Total 0

Excused: Jent.

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Total 1

**SJR 15** - Senator Gillan moved **SJR 15** be adopted. Motion carried with Senators O'Neil, Balyeat voting nay.

**SB 417** - Senator Brown moved **SB 417** do pass. Motion carried as follows:

Yeas: Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 34

Nays: Bales, Balyeat, Barkus, Elliott, Esp, Essmann, Gebhardt, Laible, Lind, McGee, O'Neil, Perry, Stapleton, Story, Tash.

Total 15

Absent or not voting: None.

Total 0

Excused: Jent.

Total 1

**SB 312** - Senator Lind moved **SB 312** do pass. Motion carried unanimously.

**SB 354** - Senator Lind moved **SB 354** do pass. Motion carried with Senator Esp, O'Neil, Balyeat, Jackson voting nay.

**SB 286** - Senator Lewis moved **SB 286**, second reading copy, be amended as follows:

1. Title, page 1, line 4.

**Following:** "OF"

**Insert:** "CERTAIN"

2. Title, line 5 through line 7.

**Strike:** "BY" on line 5 through "YEARS" on line 7

3. Page 1, line 20.

**Strike:** "for" through "and"

4. Page 1, line 21.

**Strike:** "subsection"

**Insert:** "subsections"

**Following:** "(2)(b)"

**Insert:** "and (2)(c)"

5. Page 1.

**Following:** line 26

**Insert:** "(c) A public building within the capitol complex constructed with private funds after [the effective date of this act] or a space or room constructed with private funds after [the effective date of this act] in a public building, other than the capitol building, may bear a name designated by the benefactor of the

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building, space, or room if:

(i) the building, space, or room is to be owned by or used exclusively or primarily by the Montana historical society to store or display artifacts or other property owned by the Montana historical society; and

(ii) the building, space, or room and the designated name are approved by the council and by the board of the historical society, provided for in 2-15-1512."

Amendment adopted unanimously.

**SB 286** - Senator Cooney moved **SB 286**, as amended, do pass. Motion carried with Senator Weinberg voting nay.

**SB 145** - Senator Laslovich moved consideration of **SB 145** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**SB 235** - Senator Gallus moved **SB 235** do pass. Motion carried with Senator Barkus, Esp voting nay.

**SB 186** - Senator Lewis moved **SB 186** do pass. Motion carried with Senator Esp, Murphy, Jackson voting nay.

**SB 349** - Senator Ryan moved **SB 349** do pass. Motion carried with Senator McGee, Jackson, Essmann voting nay.

**SB 391** - Senator Weinberg moved **SB 391** do pass. Motion carried as follows:

Yeas: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Shockley, Smith, Squires, J.Tropila, M.Tropila, Wanzienried, Weinberg, Williams, Mr. President.

Total 25

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Kitzenberg, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Stapleton, Steinbeisser, Story, Tash.

Total 24

Absent or not voting: None.

Total 0

Excused: Jent.

Total 1

**SB 433** - Senator Laslovich moved **SB 433** do pass. Motion carried unanimously.

**SB 447** - Senator Perry moved **SB 447** do pass. Motion carried unanimously.

**SB 492** - Senator Gebhardt moved **SB 492** do pass. Motion carried unanimously.

**SB 502** - Senator Cooney moved **SB 502** do pass. Motion carried unanimously.

**SB 505** - Senator Squires moved **SB 505** do pass. Motion carried unanimously.

**SB 507** - Senator Story moved **SB 507** do pass. Motion carried unanimously.

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**SB 521** - Senator Esp moved **SB 521** do pass. Motion carried unanimously.

**SB 525** - Senator Elliott moved **SB 525** do pass. Motion carried unanimously.

Senator Williams moved the committee rise, report progress, and beg leave to sit again. Motion carried.  
Committee arose. Senate resumed. President Cooney in the chair. Chairman Lind moved the Committee of the Whole report be adopted. Report adopted unanimously.

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Lind in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SJR 24** - Senator Laslovich moved **SJR 24** be adopted. Motion carried with Senator Esp voting nay.

**SB 288** - Senator Barkus moved **SB 288**, second reading copy, be amended as follows:

1. Page 6, line 28 through line 29.

**Strike:** "SECONDARY CARE" on line 28 through "DEPENDENCY," on line 29

Amendment adopted unanimously.

**SB 288** - Senator Schmidt moved **SB 288**, as amended, do pass. Motion carried as follows:

Yeas: Bales, Barkus, Black, Cobb, Cocchiarella, Esp, Gallus, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 34

Nays: Balyeat, Brown, Brueggeman, Curtiss, Elliott, Essmann, Gebhardt, Jackson, Lewis, McGee, O'Neil, Shockley, Stapleton, Steinbeisser, Story.

Total 15

Absent or not voting: None.

Total 0

Excused: Jent.

Total 1

**SB 385** - Senator Cobb moved **SB 385** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 46

Nays: Gebhardt, O'Neil, Shockley.

Total 3

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Absent or not voting: None.  
Total 0

Excused: Jent.  
Total 1

**SB 294** - Senator Harrington moved **SB 294** do pass. Motion carried unanimously.

**SB 265** - Senator Kitzenberg moved **SB 265** do pass. Motion carried as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 30

Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Esp, Essmann, Gebhardt, Laible, McGee, O'Neil, Perry, Peterson, Shockley, Steinbeisser, Story, Tash.  
Total 18

Absent or not voting: None.  
Total 0

Excused: Jent, Stapleton.  
Total 2

**SJR 18** - Senator Pease moved **SJR 18** be adopted. Motion carried as follows:

Yeas: Balyeat, Black, Brown, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 38

Nays: Bales, Barkus, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, McGee, Peterson.  
Total 10

Absent or not voting: None.  
Total 0

Excused: Jent, Stapleton.  
Total 2

**SB 410** - Senator Ryan moved consideration of **SB 410** be passed for the day. Motion carried.

**SB 129** - Senator Schmidt moved **SB 129** do pass. Motion carried as follows:

Black, Cobb, Cocchiarella, Gallus, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, J.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 25

Nays: Balyeat, Barkus, Brown, Brueggeman, Curtiss, Elliott, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis,

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McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, M.Tropila.  
Total 24

Absent or not voting: None.  
Total 0

Excused: Jent.  
Total 1

**SB 192** - Senator Essmann moved **SB 192** do pass. Motion carried unanimously.

**SB 488** - Senator Ryan moved **SB 488** do pass. Motion carried as follows:

Yeas: Bales, Black, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Squires, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 38

Nays: Balyeat, Barkus, Brown, Curtiss, Jackson, McGee, O'Neil, Shockley, Smith, Stapleton, Steinbeisser.  
Total 11

Absent or not voting: None.  
Total 0

Excused: Jent.  
Total 1

**SB 279** - Senator Balyeat moved **SB 279** do pass. Motion carried unanimously.

**SB 145** - Senator Shockley moved **SB 145** do pass. Motion carried with Senator McGee, Smith voting nay.

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Lind moved the Committee of the Whole report be adopted. Report adopted unanimously.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 96** passed as follows:

Yeas: Bales, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 42

Nays: Balyeat, Barkus, Esp, Gebhardt, McGee, O'Neil, Shockley, Tash.



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Total 8

Paired: Jent, Aye; McGee, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 253** passed as follows:

Yeas: Bales, Balyeat, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 44

Nays: Barkus, Cobb, Essmann, Gebhardt, Tash.

Total 5

Absent or not voting: None.

Total 0

Excused: Jent.

Total 1

**SB 91** passed as follows:

Yeas: Balyeat, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 37

Nays: Bales, Barkus, Black, Brown, Gebhardt, McGee, Murphy, O'Neil, Perry, Peterson, Steinbeisser, Story, Tash.

Total 13

Paired: Jent, Aye; McGee, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 172** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Juneau, Kaufmann, Kitzenberg, Laible, Larson,

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Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Jent.  
Total 1

**SB 479** passed as follows:

Yeas: Balyeat, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 45

Nays: Bales, Barkus, Esp, O'Neil.  
Total 4

Absent or not voting: None.  
Total 0

Excused: Jent.  
Total 1

**SB 524** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 46

Nays: Esp, McGee, Stapleton.  
Total 3

Absent or not voting: None.  
Total 0

Excused: Jent.  
Total 1

**SB 376** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann,

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Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Jent.

Total 1

**SB 523** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Jent.

Total 1

**SB 431** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Jent.

Total 1

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**SB 289** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Jent.

Total 1

**SB 478** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 48

Nays: McGee.

Total 1

Absent or not voting: None.

Total 0

Excused: Jent.

Total 1

**SJR 23** adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 47

Nays: Esp, Shockley.

Total 2

Absent or not voting: None.

Total 0

Excused: Jent.

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Total 1

**SJR 22** adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 47

Nays: Esp, Essmann.

Total 2

Absent or not voting: None.

Total 0

Excused: Jent.

Total 1

**SB 306** passed as follows:

Yeas: Brown, Brueggeman, Cocchiarella, Elliott, Gallus, Gillan, Harrington, Hawks, Juneau, Kaufmann, Larson, Lind, Moss, Pease, Perry, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 27

Nays: Bales, Balyeat, Barkus, Black, Cobb, Curtiss, Esp, Essmann, Gebhardt, Hansen, Jackson, Kitzenberg, Laible, Laslovich, Lewis, McGee, Murphy, O'Neil, Peterson, Stapleton, Story, Tash.

Total 22

Absent or not voting: None.

Total 0

Excused: Jent.

Total 1

**SB 465** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Weinberg, Williams, Mr. President.

Total 48

Nays: Wanzenried.

Total 1

Absent or not voting: None.

Total 0

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Excused: Jent.  
Total 1

**SB 485** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Jent.  
Total 1

**SJR 12** adopted as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 44

Nays: Balyeat, Curtiss, Esp, Laible, McGee.  
Total 5

Absent or not voting: None.  
Total 0

Excused: Jent.  
Total 1

**SB 64** passed as follows:

Yeas: Bales, Black, Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Perry, Ryan, Schmidt, Smith, Squires, Stapleton, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 35

Nays: Balyeat, Barkus, Brown, Curtiss, Esp, Essmann, Gebhardt, Jackson, McGee, Murphy, O'Neil, Peterson, Shockley, Steinbeisser, Story.  
Total 15

Paired: Jent, Aye; McGee, No.

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SJR 11** adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 46

Nays: Esp, Gebhardt, Ryan.  
Total 3

Absent or not voting: None.  
Total 0

Excused: Jent.  
Total 1

**SB 463** passed as follows:

Yeas: Bales, Black, Brueggeman, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, Steinbeisser, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 31

Nays: Balyeat, Barkus, Brown, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Tash.  
Total 18

Absent or not voting: None.  
Total 0

Excused: Jent.  
Total 1

**SB 383** passed as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 45

Nays: Balyeat, Curtiss, Jackson, Shockley.  
Total 4

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Absent or not voting: None.  
Total 0

Excused: Jent.  
Total 1

**SB 536 failed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Laslovich, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 25

Nays: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 25

Paired: Brueggeman, Aye; Jent, No.

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 461 passed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 48

Nays: Smith.  
Total 1

Absent or not voting: None.  
Total 0

Excused: Jent.  
Total 1

**SJR 7 adopted** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.



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Total 48

Nays: Esp.  
Total 1

Absent or not voting: None.  
Total 0

Excused: Jent.  
Total 1

**SB 359** passed as follows:

Yeas: Bales, Barkus, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 42

Nays: Balyeat, Black, Esp, Gillan, Lewis, McGee, O'Neil.  
Total 7

Absent or not voting: None.  
Total 0

Excused: Jent.  
Total 1

**SB 459** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Jent.  
Total 1

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

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Majority Leader Williams moved that the Senate adjourn until 9:00 a.m., Monday, February 26, 2007. Motion carried.

Senate adjourned at 2:46 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

**SENATE JOURNAL  
60TH LEGISLATURE  
FORTY-THIRD LEGISLATIVE DAY**

Helena, Montana  
February 26, 2007

Senate Chambers  
State Capitol

Senate convened at 9:00 a.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. Senators Gillian and Barkus excused. Quorum present.

Yeas: Bales, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Gallus, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 38

Nays: Balyeat, Elliott, Esp, Essmann, Gebhardt, Jackson, Lind, McGee, O'Neil, Shockley.

Total 10

Absent or not voting: None.

Total 0

Excused: Barkus, Gillan.

Total 2

**REPORTS OF STANDING COMMITTEES**

**TAXATION** (Elliott, Chairman):

2/22/2007

**SB 220**, introduced bill, be amended as follows:

1. Page 2, line 19.

**Strike:** "director of revenue"

**Insert:** "department"

2. Page 2, line 28 through page 3, line 3.

**Strike:** ", and" on page 2, line 28 through "benefit" on page 3, line 3.

3. Page 3, line 12.

**Following:** "31."

**Insert:** "As used in this subsection, "significant purpose" has the same meaning given the term under federal tax law."

4. Page 5, line 2.

**Strike:** "director of revenue"

**Insert:** "department"

5. Page 6, line 28.

**Strike:** "director of revenue"

**Insert:** "department"

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6. Page 7, line 30.

**Strike:** "director of revenue"

**Insert:** "department"

7. Page 9, line 13.

**Strike:** "director of revenue"

**Insert:** "department"

8. Page 10, line 19.

**Strike:** "director of revenue"

**Insert:** "department"

9. Page 10, line 25.

**Strike:** "director of revenue"

**Insert:** "department"

10. Page 11, line 2.

**Strike:** "director of revenue"

**Insert:** "department"

**Strike:** "An"

**Insert:** "If the person is an individual who resides in Montana, an action under this section must be brought in the county in which the individual resides. If the person is not an individual who resides in Montana, an"

11. Page 11, line 13 through line 16.

**Strike:** "Power of director of revenue" on line 13

**Insert:** "Potential for evasion of tax -- tax evasion transactions"

**Strike:** "In" on line 13 through "shall" on line 16

**Insert:** "The department may not specifically identify a transaction or arrangement as a tax evasion transaction unless the department"

12. Page 11, line 17.

**Strike:** "consult"

**Insert:** "consults"

13. Page 11, line 18.

**Strike:** "consider"

**Insert:** "considers"

**Following:** "arrangement"

**Insert:** "involves some combination of the following"

14. Page 11, line 20.

**Following:** "in"

**Insert:** "purposely"

15. Page 11, line 21.

**Following:** "investments;"

**Strike:** "or"

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16. Page 11, line 22.

**Following:** "parties;"

**Insert:** "or

(v) was marketed to multiple investors;"

17. Page 11, line 23.

**Strike:** "consider"

**Insert:** "considers"

18. Page 11, line 25.

**Strike:** "consider"

**Insert:** "considers"

19. Page 11, line 28.

**Strike:** "determine"

**Insert:** "determines"

**Strike:** "consider"

**Insert:** "considers"

20. Page 11, line 29 through line 30.

**Strike:** "reportable" on line 29 through "each" on line 30

21. Page 12, line 1.

**Strike:** "director of revenue"

**Insert:** "department"

22. Page 12.

**Following:** line 2

**Insert:** "(3) The department shall file a report with each rule proposal notice when it proposes to adopt a rule to identify a listed transaction, setting forth how it applied the criteria listed in subsection (1) in proposing to identify a transaction or arrangement as a listed transaction."

**Renumber:** subsequent subsection

23. Page 12, line 6.

**Strike:** "14"

**Insert:** "13"

24. Page 12, line 9.

**Strike:** "14"

**Insert:** "13"

25. Page 13, line 1.

**Following:** page 12

**Strike:** "A"

**Insert:** "(1) Subject to subsection (2), a"

26. Page 13.

**Following:** line 5

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**Insert:** "(2) A taxpayer is subject to the provisions of [section 10, 11, 12, or 13] for any tax year:  
    (a) for which the taxpayer or a combined reporting group of which the taxpayer is a member:  
        (i) is required to file internal revenue service schedule M-3 with its federal tax return; and  
        (ii) is subject to allocation and apportionment under 15-31-301; and  
    (b) in which the Montana apportionment percentage, as shown on the taxpayer's Montana tax return, is less than 20%."

27. Page 14, line 18.

**Strike:** "director of revenue"

**Insert:** "department"

28. Page 15, line 11.

**Strike:** "director of revenue"

**Insert:** "department"

29. Page 15, line 13.

**Strike:** "14"

**Insert:** "13"

30. Page 15, line 15 through line 22.

**Strike:** section 14 in its entirety

**Renumber:** subsequent sections

31. Page 15, line 24.

**Strike:** "15"

**Insert:** "14"

**Strike:** "17"

**Insert:** "16"

32. Page 15, line 27.

**Strike:** "15"

**Insert:** "14"

**Strike:** "17"

**Insert:** "16"

33. Page 16, line 6.

**Strike:** "17(6)"

**Insert:** "16(6)"

34. Page 16, line 9.

**Strike:** "15"

**Insert:** "14"

**Strike:** "17"

**Insert:** "16"

35. Page 16, line 17.

**Strike:** "15"

**Insert:** "14"

**Strike:** "17"

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**Insert:** "16"

36. Page 16, line 30.

**Strike:** "14"

**Insert:** "13"

37. Page 17, line 9.

**Strike:** "14"

**Insert:** "13"

38. Page 17, line 16.

**Strike:** "[section 16] or"

39. Page 18, line 10.

**Strike:** "16"

**Insert:** "15"

40. Page 18, line 19.

**Strike:** "15"

**Insert:** "14"

**Strike:** "17"

**Insert:** "16"

41. Page 18, line 22.

**Strike:** "15"

**Insert:** "14"

**Strike:** "17"

**Insert:** "16"

42. Page 18, line 24.

**Strike:** "18"

**Insert:** "17"

**Strike:** "23"

**Insert:** "22"

43. Page 18, line 27.

**Strike:** "18"

**Insert:** "17"

**Strike:** "23"

**Insert:** "22"

44. Page 19, line 13.

**Strike:** "21"

**Insert:** "20"

45. Page 19, line 20.

**Strike:** "20"

**Insert:** "19"

46. Page 20, line 13.

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**Strike:** "20"  
**Insert:** "19"

47. Page 20, line 14.  
**Strike:** "21"  
**Insert:** "20"

48. Page 20, line 22.  
**Strike:** "20"  
**Insert:** "19"

49. Page 20, line 29.  
**Strike:** "18"  
**Insert:** "17"  
**Strike:** "23"  
**Insert:** "22"

50. Page 22, line 17.  
**Strike:** "Except as provided in subsection (5)(b), the"  
**Insert:** "The"

51. Page 22, line 18.  
**Strike:** ", directly or indirectly,"

52. Page 22, line 20 through line 23.  
**Following:** "(b)"

**Strike:** the remainder of subsection (b) in its entirety

**Insert:** "(i) The department shall, by rule, establish reporting requirements that would not allow multiple business identities to be formed to obtain multiple exemption thresholds for what are functionally single businesses. The rules may require individual and taxpayer identification numbers for pass-through entities, as defined in 15-30-101, and their owners, partners, and officers to allow the department to track exemptions through the entities.

(ii) Whenever one member of a firm or one of the proper officers of a corporation has made a statement showing the property of the firm or corporation, another member of the firm or another officer is not required to include the property in that person's statement but the statement must show the name of the person or officer who made the statement in which the property is included.

(iii) The fact that a statement is not required or that a person has not made a statement, under oath or otherwise, does not relieve the person's property from taxation."

53. Page 22, line 25.  
**Strike:** "14"  
**Insert:** "13"

54. Page 22, line 26.  
**Strike:** "14"  
**Insert:** "13"

55. Page 22, line 27.  
**Strike:** "18"  
**Insert:** "17"



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**Strike:** "23"

**Insert:** "22"

56. Page 22, line 28.

**Strike:** "18"

**Insert:** "17"

**Strike:** "23"

**Insert:** "22"

57. Page 23, line 20.

**Strike:** "18"

**Insert:** "17"

**Strike:** "23"

**Insert:** "22"

And, as amended, do pass. Report adopted.

**SB 487**, do pass. Report adopted.

**SB 514**, introduced bill, be amended as follows:

1. Page 2, line 3.

**Following:** "(a)"

**Insert:** "(i)"

**Strike:** "subsection"

**Insert:** "subsections (2)(a)(ii) and"

2. Page 2, line 4.

**Strike:** "1.2%"

**Insert:** "0.5%"

3. Page 2, line 4 through line 6.

**Strike:** "The" on line 4 through "return." on line 6

4. Page 2.

**Following:** line 6

**Insert:** "(ii) A penalty under this subsection (2)(a) may not be imposed on a taxpayer subject to taxation under 15-30-103 if, subject to the conditions of 15-30-241(1)(a)(i), the taxpayer pays tax when due of at least 90% of the tax for the current year."

5. Page 2, line 8.

**Strike:** "or fraction of a month"

6. Page 2, line 8 through line 10.

**Strike:** "The" on line 8 through "return." on line 10

7. Page 2, line 25.

**Following:** "12%"

**Insert:** "a year"

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8. Page 2.

**Following:** line 12

**Insert:** "(c) The penalty imposed under subsection (2)(a) or (2)(b) accrues daily on the unpaid tax from the original due date of the return regardless of whether the taxpayer has received an extension of time for filing a return."

9. Page 11, line 23.

**Following:** "date."

**Insert:** "(1)"

**Strike:** "[This act]"

**Insert:** "Except as provided in subsection (2), [this act]"

10. Page 11.

**Following:** line 23

**Insert:** "(2) [Sections 1(2) and 3 and this section] are effective on passage and approval."

11. Page 11, line 25.

**Strike:** "subsection"

**Insert:** "subsections"

**Following:** "(2)"

**Insert:** "and (3)"

12. Page 11.

**Following:** line 28

**Insert:** "(3) [Sections 1(2) and 3] apply retroactively, within the meaning of 1-2-109, to tax periods beginning after December 31, 2006."

And, as amended, do pass. Report adopted.

**SB 539**, introduced bill, be amended as follows:

1. Page 2, line 13.

**Following:** "was"

**Insert:** ":

(a)"

**Following:** "15-23-101"

**Insert:** ";

**Following:** "or"

**Insert:** "(b)"

2. Page 2, line 14.

**Following:** "15-8-404(4)"

**Insert:** "and subject to direct appeal to the state tax appeal board pursuant to [section 4(1)]"

3. Page 2, line 24.

**Following:** "section."

**Insert:** "A county may not elect to participate in the program unless the protested property taxes on specially assessed industrial property are directly appealed to the state tax appeal board. The direct appeal must be

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agreed to by the county tax appeal board, in consultation with the board of county commissioners, or by the taxpayer and the department."

4. Page 2, line 25.

**Following:** "January 31"

**Insert:** "for taxes on centrally assessed property and on or before August 31 for taxes on specially assessed industrial property that is subject to direct appeal to the state tax appeal board pursuant to subsection (1)"

5. Page 21, line 19 through line 20.

**Strike:** "under direct or indirect common control," on lines 19 and 20

**Strike:** "\$10" on line 20

**Insert:** "\$5"

**Following:** "as"

**Insert:** "potential"

6. Page 21, line 21.

**Following:** "of"

**Insert:** "potential"

**Following:** "where"

**Insert:** ", "

7. Page 21, line 22.

**Strike:** "or"

**Following:** "whom"

**Insert:** ", or by what methods"

**Following:** "assessed."

**Insert:** "If a direct appeal to the state tax appeal board is agreed to by the county tax appeal board, in consultation with the board of county commissioners, or by the taxpayer and the department, the potential specially assessed industrial property becomes specially assessed industrial property."

8. Page 22.

**Following:** line 27

**Insert:** "(4) A direct appeal to the state tax appeal board of specially assessed industrial property may be permitted by the county tax appeal board in consultation with the board of county commissioners or may be agreed to by the taxpayer and the department."

And, as amended, do pass. Report adopted.

**MOTIONS**

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** moved to recess for Democrat caucus. **SEN. COREY STAPLETON, SD 27, BILLINGS** moved to recess for Republican caucus. Motions carried.

The Senate reconvened at 9:30 a.m.

Roll Call. Senator Barkus excused. Quorum present.

Yeas: Bales, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease,

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Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 41

Nays: Balyeat, Brown, Essmann, Gebhardt, Jackson, McGee, O'Neil, Shockley.

Total 8

Absent or not voting: None.

Total 0

Excused: Barkus.

Total 1

**MOTIONS**

**SEN. JIM SHOCKLEY, SD 45, VICTOR** moved **SB 389** be placed on second reading on the 44th Legislative day. Motion **failed** as follows.

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Ryan, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 25

Nays: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 25

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SEN. GREGORY BARKUS, SD 4, KALISPELL** moved to change his vote on **SB 265** from "yes" to "no". Motion carried.

**MESSAGES FROM THE GOVERNOR**

**HB 23** introduced by Representative Hiner and **HB 470** introduced by Representative Olson were signed and delivered to the Secretary of State on the 22nd day of February.

**MESSAGES FROM THE OTHER HOUSE**

**House bill** passed and transmitted to the Senate for concurrence: 2/26/2007

**HB 97**, introduced by Barrett

**House bill** passed and transmitted to the Senate for concurrence: 2/26/2007

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**HB 113**, introduced by McChesney

**House bill** passed and transmitted to the Senate for concurrence: 2/26/2007

**HB 205**, introduced by Everett

**House bill** passed and transmitted to the Senate for concurrence: 2/26/2007

**HB 259**, introduced by Reinhart

**House bill** passed and transmitted to the Senate for concurrence: 2/26/2007

**HB 372**, introduced by Ingraham

**House bill** passed and transmitted to the Senate for concurrence: 2/26/2007

**HB 423**, introduced by K. Peterson

**House bill** passed and transmitted to the Senate for concurrence: 2/26/2007

**HB 564**, introduced by McGillvray

**House bill** passed and transmitted to the Senate for concurrence: 2/26/2007

**HB 570**, introduced by Cohenour

**House bill** passed and transmitted to the Senate for concurrence: 2/26/2007

**HB 712**, introduced by Jore

**House bill** passed and transmitted to the Senate for concurrence: 2/26/2007

**HB 741**, introduced by L. Jones

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Cocchiarella in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 426** - Senator Jent moved **SB 426** do pass. Motion carried with Senator Cocchiarella voting nay.

**SB 509** - Senator Gallus moved **SB 509** do pass. Motion carried as follows:

Yeas: Bales, Black, Brown, Brueggeman, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Juneau, Kaufmann, Kitzenberg, Laslovich, Moss, Murphy, Pease, Schmidt, Shockley, Smith, Squires, Tash, J.Tropila, M.Tropila, Williams, Mr. President.

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Total 30

Nays: Balyeat, Cobb, Curtiss, Gebhardt, Jent, Laible, Larson, Lewis, Lind, McGee, O'Neil, Perry, Peterson, Ryan, Stapleton, Steinbeisser, Story, Wanzenried, Weinberg.

Total 19

Absent or not voting: None.

Total 0

Excused: Barkus.

Total 1

**SB 202** - Senator Laslovich moved **SB 202** do pass. Motion carried as follows:

Yeas: Cobb, Cocchiarella, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Shockley, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 30

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Gebhardt, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Stapleton, Steinbeisser, Story, Tash.

Total 20

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 439** - Senator Elliott moved **SB 439** do pass. Motion carried as follows:

Yeas: Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 41

Nays: Bales, Balyeat, Curtiss, Gebhardt, Jackson, McGee, O'Neil, Shockley, Steinbeisser.

Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 448** - Senator Wanzenried moved **SB 448** do pass. Motion carried as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Schmidt, Smith, Squires, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

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Total 29

Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, McGee, Murphy, O'Neil, Perry, Peterson, Ryan, Shockley, Stapleton, Steinbeisser.

Total 20

Absent or not voting: Pease.

Total 1

Excused: None.

Total 0

**SB 481** - Senator Wanzenried moved **SB 481** do pass. Motion carried as follows:

Yeas: Black, Brueggeman, Cobb, Cocchiarella, Gallus, Gebhardt, Gillan, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Ryan, Schmidt, Smith, Squires, Steinbeisser, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 31

Nays: Bales, Balyeat, Barkus, Brown, Curtiss, Elliott, Esp, Essmann, Hansen, Jackson, Laible, McGee, O'Neil, Perry, Peterson, Shockley, Stapleton, Story, Tash.

Total 19

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 38** - Senator Ryan moved consideration of **SB 38** be placed below **SB 547** on the second reading board. Motion carried.

**SB 337** - Senator Wanzenried moved **SB 337** do pass. Motion carried as follows:

Yeas: Cobb, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 26

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 413** - Senator Moss moved **SB 413** do pass. Motion carried unanimously.

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**SB 404** - Senator Lind moved **SB 404**, second reading copy, be amended as follows:

1. Title, line 4.

**Following:** "CLARIFYING"

**Strike:** "LIMITS ON"

2. Page 2, line 6.

**Following:** "NOT"

**Insert:** "criminally"

**Following:** "LIABLE"

**Strike:** "FOR ANY CIVIL DAMAGES"

3. Page 2, line 7 through line 8.

**Following:** "THAN" on line 7

**Strike:** remainder of line 7 through "OMISSIONS" on line 8

**Insert:** "acts or omissions committed with demonstrable criminal intent"

4. Page 2, line 17.

**Strike:** "TITLE 27, CHAPTER 1, PART 7," in two places

**Insert:** "Title 45, chapter 2, part 2," in two places

5. Page 2, line 22 through line 24.

**Strike:** section 4 in its entirety

Amendment adopted unanimously.

**SB 404** - Senator Lind moved **SB 404** do pass, as amended. Motion carried unanimously.

**SB 467** - Senator Cocchiarella moved **SB 467** do pass. Motion carried unanimously.

**SB 451** - Senator Harrington moved **SB 451** do pass. Motion carried as follows:

Yeas: Cobb, Cocchiarella, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Murphy, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Williams, Mr. President.

Total 28

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Jackson, Laible, Lewis, McGee, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash, Weinberg.

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 449** - Senator Gillan moved **SB 449** do pass. Motion carried with Senator McGee voting nay.

**SB 516** - Senator Cocchiarella moved **SB 516**, second reading copy, be amended as follows:



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1. Title, line 5.

**Following:** "RAILROAD"

**Insert:** "OR CERTAIN LOGGING ACTIVITIES"

2. Page 1, line 27.

**Following:** "railroad"

**Insert:** "or used by off-road logging equipment and machinery"

Amendment adopted as follows:

Yeas: Bales, Balyeat, Barkus, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Squires, Stapleton, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 44

Nays: Black, Hansen, Harrington, Lewis, Smith, Steinbeisser.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 516** - Senator Black moved **SB 516**, second reading copy, be amended as follows:

1. Title, line 5.

**Following:** "RAILROAD"

**Insert:** "OR CERTAIN MINING OPERATIONS"

2. Page 1, line 27.

**Following:** "railroad"

**Insert:** "or off-road machinery and equipment used in mining operations"

Amendment adopted with Senator Hansen, Lind voting nay.

**SB 516** - Senator Black moved **SB 516**, as amended, do pass. Motion **failed** as follows:

Yeas: Black, Brueggeman, Gallus, Harrington, Hawks, Jent, Kaufmann, Kitzenberg, Lewis, Lind, Murphy, Pease, Perry, Ryan, Schmidt, Smith, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Weinberg, Mr. President.

Total 23

Nays: Bales, Balyeat, Barkus, Brown, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Gillan, Hansen, Jackson, Juneau, Laible, Larson, Laslovich, McGee, Moss, O'Neil, Peterson, Shockley, Squires, Story, Wanzenried, Williams.

Total 27

Absent or not voting: None.

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Total 0

Excused: None.

Total 0

**SB 516** - Senator Gebhardt moved **SB 516** be **indefinitely postponed**. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Brown, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Gillan, Hansen, Jackson, Jent, Juneau, Kaufmann, Laible, Larson, Lind, McGee, Moss, O'Neil, Perry, Peterson, Ryan, Schmidt, Shockley, Squires, Story, Wanzenried, Williams.

Total 32

Nays: Black, Brueggeman, Gallus, Harrington, Hawks, Kitzenberg, Laslovich, Lewis, Murphy, Pease, Smith, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Weinberg, Mr. President.

Total 18

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 432** - Senator Brueggeman moved **SB 432**, second reading copy, be amended as follows:

1. Page 3, line 2.

**Strike:** "diesel fuel containing"

Amendment adopted unanimously.

**SB 432** - Senator Brueggeman moved **SB 432**, second reading copy, be amended as follows:

1. Page 3, line 12.

**Following:** "RAILROADS"

**Insert:** "or mining equipment and machinery"

Amendment carried unanimously.

**SB 432** - Senator Brueggeman moved **SB 432**, second reading copy, do pass as amended. Motion **carried** as follows:

Yeas: Black, Brueggeman, Cobb, Cocchiarella, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 35

Nays: Bales, Balyeat, Barkus, Brown, Curtiss, Elliott, Esp, Essmann, Gebhardt, Jackson, O'Neil, Perry, Peterson, Shockley, Story.

Total 15

Absent or not voting: None.

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Total 0

Excused: None.

Total 0

Senator Williams moved the committee rise, report progress, and beg leave to sit again. Motion carried.  
Committee arose. Senate resumed. President Cooney in the chair. Chairman Cocchiarella moved the Committee of the Whole report be adopted. Report adopted unanimously.

**SB 547** - Senator Perry moved **SB 547** do pass. Motion carried with Senator Kaufmann voting nay.

**SB 38** - Senator Ryan moved **SB 38** do pass. Motion **failed** as follows:

Yeas: Cocchiarella, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 25

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Elliott, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 25

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 437** - Senator Elliott moved **SB 437**, second reading copy, be amended as follows:

1. Title, line 4.

**Following:** "ELECTION"

**Insert:** "OR APPOINTMENT"

2. Page 1, line 11.

**Following:** "election"

**Insert:** "or appointment"

3. Page 1, line 12.

**Following:** "election"

**Insert:** "or appointment"

Amendment adopted with Senator O'Neil voting nay.

**SB 437** - Senator Elliott moved **SB 437**, as amended, do pass. Motion carried as follows:

Yeas: Brueggeman, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Schmidt, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 26

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Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Esp, Essmann, Gebhardt, Harrington, Jackson, McGee, Murphy, O'Neil, Perry, Peterson, Ryan, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash.  
Total 23

Absent or not voting: None.  
Total 0

Excused: Cobb.  
Total 1

**SB 503** - Senator Perry moved **SB 503** do pass. Motion carried unanimously.

**SB 504** - Senator Kaufmann moved **SB 504** do pass. Motion carried unanimously.

**SB 490** - Senator Moss moved consideration of **SB 490** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**SB 531** - Senator Weinberg moved **SB 531** do pass. Motion carried unanimously.

**SB 535** - Senator Cocchiarella moved **SB 535**, second reading copy, be amended as follows:

1. Title, line 6 through line 7.

**Following:** "INSURERS" on line 6

**Strike:** "AND"

**Insert:** ", "

**Following:** "PRODUCERS" on line 7

**Insert:** ", AND INDEPENDENT AGENCIES"

2. Page 1, line 14.

**Strike:** "tile"

**Insert:** "title"

3. Page 2, line 10.

**Following:** "contracts"

**Insert:** "; or

(3) variable annuities regulated under Title 30, chapter 10"

4. Page 2, line 14.

**Following:** "fixed annuity"

**Strike:** "or variable annuity"

5. Page 2, line 23.

**Following:** "insurers"

**Strike:** "and"

**Insert:** ", "

**Following:** "producers"

**Insert:** ", and independent agencies"

6. Page 4, line 19 through line 22.

**Strike:** subsection (9) in its entirety

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**Insert:** "(9) (a) Insurers, insurance producers, and independent agencies shall maintain or must be able to make available to the commissioner records of the information collected from the consumer and other information used in making the recommendations that were the basis for insurance transactions for 5 years after the insurance transaction is completed by the insurer. An insurer is permitted, but is not required, to maintain documentation on behalf of an insurance producer.  
(b) Records required to be maintained by this regulation may be maintained in paper, photographic, microprocess, magnetic, mechanical, or electronic media or by any process that accurately reproduces the actual document."

7. Page 4, line 30.

**Following:** "chapter 18."

**Insert:** "Fines may be imposed pursuant to 33-1-317."

Amendment adopted unanimously.

**SB 535** - Senator Cocchiarella moved **SB 535**, as amended, do pass. Motion carried unanimously.

**SB 541** - Senator Brueggeman moved **SB 541** do pass. Motion carried on voice vote; Senators Balyeat, Story voting nay.

**SB 38** - Senator Ryan moved **SB 38** do pass. Motion failed as follows:

Yeas: Cocchiarella, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 25

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Elliott, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 25

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 38** - Senator [unknown] moved **SB 38** be indefinitely postponed. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Elliott, Esp, Essmann, Gebhardt, Jackson, Kitzenberg, Laible, Lewis, McGee, Murphy, Perry, Peterson, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Wanzenried, Mr. President.  
Total 29

Nays: Cocchiarella, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Larson, Laslovich, Lind, Moss, O'Neil, Pease, Ryan, Schmidt, J.Tropila, M.Tropila, Weinberg, Williams.  
Total 21

Absent or not voting: None.

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Total 0

Excused: None.

Total 0

**SJR 26** - Senator Laible moved **SJR 26** be adopted. Motion carried as follows:

Yeas: Cocchiarella, Elliott, Gebhardt, Gillan, Hansen, Hawks, Juneau, Kaufmann, Kitzenberg, Laible, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Ryan, Schmidt, Shockley, Smith, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 26

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gallus, Harrington, Jackson, Jent, Larson, McGee, O'Neil, Perry, Peterson, Squires, Stapleton, Steinbeisser, Story, Tash.

Total 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SJR 17** - Senator Elliott moved **SJR 17** be adopted. Motion carried with Senator Bales, Esp, Steinbeisser, Jent, Story voting nay.

**SJR 16** - Senator Lind moved **SJR 16** be adopted. Motion carried with Senator Esp, Stapleton voting nay.

**SB 410** - Senator Ryan moved **SB 410** do pass. Motion **failed** as follows:

Yeas: Black, Cobb, Cocchiarella, Elliott, Gallus, Gebhardt, Gillan, Juneau, Kaufmann, Larson, Laslovich, Lind, Pease, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Wanzenried, Weinberg, Williams, Mr. President.

Total 23

Nays: Bales, Balyeat, Barkus, Brown, Brueggeman, Curtiss, Esp, Essmann, Hansen, Harrington, Hawks, Jackson, Jent, Kitzenberg, Laible, Lewis, McGee, Moss, Murphy, O'Neil, Perry, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila.

Total 27

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 410** - Senator Williams moved **SB 410** be **indefinitely postponed**. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Kitzenberg, Laible, Lewis, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Williams.

Total 35

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Nays: Cobb, Elliott, Gallus, Gillan, Juneau, Kaufmann, Larson, Laslovich, Lind, Ryan, Schmidt, Smith, Wanzenried, Weinberg, Mr. President.

Total 15

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 355** - Senator Wanzenried moved consideration of **SB 355** be placed below SB 531 on the second reading board. Motion carried.

**SB 527** - Senator Gillan moved **SB 527** do pass. Motion carried with Senator O'Neil voting nay.

**SB 537** - Senator Brown moved **SB 537** do pass. Motion carried with Senator Larson, Jent, O'Neil, McGee voting nay.

**SB 407** - Senator Bales moved **SB 407**, second reading copy, be amended as follows:

1. Title, page 1, line 5.

**Following:** "AUTHORIZATION FOR"

**Insert:** "LIMITED"

2. Title, page 1, line 7.

**Strike:** "EMERGENCY"

**Following:** "WILDLIFE;"

**Insert:** "PROVIDING A WATER QUALITY STANDARD; REQUIRING REPORTS TO THE  
LEGISLATURE;"

3. Page 1, line 12.

**Strike:** "Emergency discharge"

**Insert:** "Discharge"

4. Page 1, line 14.

**Strike:** "emergency"

5. Page 1, line 19.

**Following:** "days"

**Insert:** "in any calendar year"

6. Page 1, line 20.

**Following:** line 19

**Insert:** "(4) The only water quality standard applicable to these impoundments is a narrative standard of sufficient quality for livestock and wildlife watering at the time of discharge and during periods of use.

(5) A person issued a general permit governing the authorization for the discharge of water provided for in this section shall comply with the requirements of Title 85, chapter 2.

(6) Discharges of water produced from coal bed methane extraction may not cause a single existing impoundment to exceed more than 25 acre-feet of water."

**Insert:** "NEW SECTION. **Section 2. Report to legislature.** On or before September 1 of 2008 and 2010, the

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department of environmental quality shall, as provided in 5-11-210, submit a report to the legislature detailing the administration of the general permit established in [section 1]."

**Renumber:** subsequent sections

Amendment adopted unanimously.

**SB 407** - Senator Hawks moved **SB 407**, second reading copy, be amended as follows:

1. Page 1.

**Following:** line 19

**Insert:** "(4) Discharges of water produced from coal bed methane extraction may not cause a single existing impoundment to exceed more than 25 acre-feet of water or 75% of the capacity of the existing impoundment, whichever is less.

(5) For the purposes of this section, "existing impoundments" means impoundments constructed before [the effective date of this act]."

Amendment adopted as follows:

Yeas: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Murphy, Pease, Ryan, Schmidt, Shockley, Smith, Squires, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 30

Nays: Bales, Balyeat, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, O'Neil, Perry, Peterson, Stapleton, Steinbeisser, Story.

Total 19

Absent or not voting: Barkus.

Total 1

Excused: None.

Total 0

**SB 407** - Senator Wanzenried moved **SB 407**, second reading copy, be amended as follows:

1. Page 1.

**Following:** line 19

**Insert:** "(4) A person may not file a notice of intent provided for in this section after June 30, 2009."

Amendment adopted as follows:

Yeas: Black, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Larson, Laslovich, Lind, Moss, Murphy, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 28

Nays: Bales, Balyeat, Barkus, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Kitzenberg, Laible, Lewis, McGee, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 22

Absent or not voting: None.

Total 0



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Excused: None.  
Total 0

**SB 407** - Senator Wanzenried moved **SB 407**, second reading copy, be amended as follows:

1. Title, page 1, line 7.

**Strike:** "AN IMMEDIATE"

**Insert:** "A CONTINGENT"

2. Page 1, line 24.

**Strike:** "Effective"

**Insert:** "Contingent effective"

**Strike:** "on passage and approval"

**Insert:** "when the legislature appropriates to the department of environmental quality at least \$75,000 to implement and administer the general permit provided for in [section 1]"

Amendment adopted as follows:

Yeas: Cobb, Cocchiarella, Elliott, Esp, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Larson, Laslovich, Lind, Moss, Murphy, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 29

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Essmann, Jackson, Kitzenberg, Laible, Lewis, McGee, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 21

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 407** - Senator Kaufmann moved **SB 407**, second reading copy, be amended as follows:

1. Page 1.

**Following:** line 19

**Insert:** "(4) If any discharge authorized pursuant to this section exceeds applicable water quality standards, the oil and gas developer who produced the water from coal bed methane extraction is liable for damages and subject to applicable fines and penalties."

Amendment adopted as follows:

Yeas: Balyeat, Brown, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Larson, Laslovich, Lind, Moss, O'Neil, Pease, Ryan, Schmidt, Shockley, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 29

Nays: Bales, Barkus, Black, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Kitzenberg, Laible, Lewis, McGee, Murphy, Perry, Peterson, Stapleton, Steinbeisser, Story, Tash.

Total 21

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 407** - Senator Bales moved **SB 407**, as amended, do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Gillan, Jackson, Kitzenberg, Laible, Laslovich, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Ryan, Shockley, Stapleton, Steinbeisser, Story, Tash, J.Tropila.  
Total 30

Nays: Elliott, Gallus, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Larson, Lind, Moss, Pease, Schmidt, Smith, Squires, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 20

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 309** - Senator Balyeat moved **SB 309** do pass. Motion carried unanimously.

**SJR 25** - Senator J. Peterson moved **SJR 25** be adopted. Motion carried unanimously.

**SB 497** - Senator Moss moved **SB 497** do pass. Motion carried as follows:

Yeas: Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Peterson, Ryan, Schmidt, Smith, Squires, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 38

Nays: Bales, Balyeat, Barkus, Esp, Gebhardt, Jackson, McGee, O'Neil, Perry, Shockley, Stapleton, Steinbeisser.  
Total 12

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 538** - Senator Elliott moved consideration of **SB 538** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**SJR 13** - Senator Smith moved **SJR 13** be adopted. Motion carried with Senator O'Neil, Esp, McGee voting nay.

**SJR 21** - Senator J. Peterson moved **SJR 21** be adopted. Motion carried unanimously.

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**SB 536** - Senator Perry moved consideration of **SB 536** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**SB 339** - Senator Murphy moved **SB 339** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gallus, Gebhardt, Harrington, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash, J.Tropila, Wanzenried, Weinberg.  
Total 29

Nays: Cocchiarella, Elliott, Gillan, Hansen, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Ryan, Schmidt, Smith, Squires, M.Tropila, Williams, Mr. President.  
Total 20

Absent or not voting: None.  
Total 0

Excused: Cobb.  
Total 1

**SB 338** - Senator Murphy moved **SB 338** do pass. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Gebhardt, Jackson, Jent, Laslovich, Lewis, Murphy, Pease, Perry, Peterson, Stapleton, Tash, M.Tropila.  
Total 21

Nays: Cocchiarella, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Lind, McGee, Moss, O'Neil, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, J.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 29

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 338** - Senator Esp moved **SB 338** be **indefinitely postponed**. Motion passed as follows:

Yeas: Balyeat, Barkus, Cocchiarella, Elliott, Essmann, Gebhardt, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lind, McGee, Moss, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 36

Nays: Bales, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Gallus, Jackson, Jent, Lewis, Murphy, Stapleton, M.Tropila.  
Total 14

Absent or not voting: None.

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Total 0

Excused: None.

Total 0

**SB 544** - Senator Hansen moved **SB 544** do pass. Motion carried unanimously.

**SB 506** - Senator Elliott moved **SB 506**, second reading copy, be amended as follows:

1. Title, page 1, line 4.

**Strike:** "GENERALLY"

**Following:** "REVISING"

**Insert:** "SPECIFIC"

Amendment adopted with Senator Barkus, Black, Balyeat, Jackson, McGee voting nay.

**SB 506** - Senator Story moved **SB 506**, as amended, do pass. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Elliott, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 25

Nays: Cocchiarella, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 25

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 506** - Senator Williams moved **SB 506** be **indefinitely postponed**. Motion carried as follows:

Yeas: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 26

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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**SB 538** - Senator Elliott moved **SB 538**, second reading copy, be amended as follows:

1. Page 1, line 23.

**Strike:** "5" in both places

**Insert:** "2" in both places

Amendment adopted unanimously.

**SB 538** - Senator Elliott moved **SB 538**, as amended, do pass. Motion carried with Senator Esp voting nay.

**SB 490** - Senator Moss moved consideration of **SB 490** be passed for the day. Motion carried.

**SB 149** - Senator Tash moved **SB 149** do pass. Motion carried as follows:

Yeas: Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Weinberg, Williams, Mr. President.

Total 38

Nays: Bales, Balyeat, Brown, Gebhardt, Jackson, Juneau, Kaufmann, McGee, O'Neil, Smith, Story, Wanzenried.

Total 12

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 160** - Senator Schmidt moved **SB 160** do pass. Motion carried with Senator Esp voting nay.

**SB 219** - Senator Balyeat moved **SB 219** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Hawks, Jackson, Jent, Laible, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash, Mr. President.

Total 33

Nays: Cocchiarella, Gillan, Hansen, Harrington, Juneau, Kaufmann, Kitzenberg, Larson, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams.

Total 17

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 223** - Senator J. Peterson moved **SB 223** do pass. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Essmann, Gebhardt, Jackson, Laible, Lewis,

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McGee, Murphy, O'Neil, Perry, Peterson, Ryan, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 23

Nays: Cobb, Cocchiarella, Elliott, Esp, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 27

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 223** - Senator Williams moved **SB 223** be **indefinitely postponed**. Motion carried as follows:

Yeas: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 27

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 23

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Cocchiarella moved the Committee of the Whole report be adopted. Report adopted unanimously.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 293** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.

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Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 382** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 48

Nays: Gebhardt, O'Neil.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 491** passed as follows:

Yeas: Cobb, Cocchiarella, Curtiss, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Peterson, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 29

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 21

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SJR 15** adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr.

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President.  
Total 49

Nays: O'Neil.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 417** passed as follows:

Yeas: Bales, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 39

Nays: Balyeat, Barkus, Curtiss, Esp, Essmann, Laible, Lind, McGee, O'Neil, Stapleton, Story.  
Total 11

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 312** passed as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: Balyeat.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 354** passed as follows:



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Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 47

Nays: Balyeat, Esp, O'Neil.  
Total 3

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 286** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Williams, Mr. President.  
Total 43

Nays: Brown, Cobb, Curtiss, Laslovich, McGee, Ryan, Weinberg.  
Total 7

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 235** passed as follows:

Yeas: Balyeat, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 43

Nays: Bales, Barkus, Black, Cobb, Esp, Steinbeisser, Story.  
Total 7

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

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**SB 186** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 47

Nays: Esp, McGee, Murphy.  
Total 3

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 349** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 44

Nays: Brown, Curtiss, Essmann, Jackson, McGee, Shockley.  
Total 6

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 391** passed as follows:

Yeas: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Pease, Ryan, Schmidt, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 26

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash.  
Total 24

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

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**SB 433** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 447** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: Steinbeisser.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 492** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: Smith.  
Total 1

Absent or not voting: None.  
Total 0

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Excused: None.  
Total 0

**SB 502** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 505** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 507** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 521** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 48

Nays: Lind, Ryan.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 525** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SJR 24** adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

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Nays: Esp.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 288** passed as follows:

Yeas: Bales, Barkus, Black, Cobb, Cocchiarella, Esp, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 36

Nays: Balyeat, Brown, Brueggeman, Curtiss, Elliott, Essmann, Gebhardt, Jackson, Lewis, McGee, O'Neil, Shockley, Stapleton, Steinbeisser.  
Total 14

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 385** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 47

Nays: Gebhardt, O'Neil, Shockley.  
Total 3

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 294** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

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Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 265** passed as follows:

Yeas: Bales, Black, Brueggeman, Cobb, Cocchiarella, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 32

Nays: Balyeat, Barkus, Brown, Curtiss, Esp, Gebhardt, Laible, Lind, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 18

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SJR 18** adopted as follows:

Yeas: Balyeat, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lind, Moss, Murphy, O'Neil, Pease, Perry, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 39

Nays: Bales, Barkus, Esp, Essmann, Gebhardt, Jackson, Lewis, McGee, Peterson, Shockley, Story.  
Total 11

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 129** adopted as follows:

Yeas: Bales, Black, Cobb, Cocchiarella, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Squires, J.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 26

Nays: Balyeat, Barkus, Brown, Brueggeman, Curtiss, Elliott, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis,

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McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, M.Tropila.  
Total 24

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 192** adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 488** adopted as follows:

Yeas: Black, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 40

Nays: Bales, Balyeat, Barkus, Brown, Curtiss, Jackson, McGee, O'Neil, Shockley, Steinbeisser.  
Total 10

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 279** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49



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Nays: Smith.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 145** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 284** passed as follows:

Yeas: Bales, Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 35

Nays: Balyeat, Barkus, Black, Brown, Curtiss, Esp, Essmann, Jackson, McGee, Murphy, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 15

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 390** passed as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 28

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Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 22

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 8:00 a.m., Tuesday, February 27, 2007. Motion carried.

Senate adjourned at 8:02 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

**SENATE JOURNAL  
60TH LEGISLATURE  
FORTY-FOURTH LEGISLATIVE DAY**

Helena, Montana  
February 27, 2007

Senate Chambers  
State Capitol

Senate convened at 8:00 a.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 43

Nays: Balyeat, Essmann, Gebhardt, Jackson, McGee, O'Neil, Shockley.

Total 7

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**MOTIONS**

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** moved the Democrats to recess in order to caucus. **SEN. COREY STAPLETON, SD 27, BILLINGS** moved the Republicans to recess in order to caucus.

At 8:30 a.m. the Senate reconvened.

Roll Call. All members present. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 42

Nays: Balyeat, Esp, Essmann, Gebhardt, Jackson, McGee, O'Neil, Shockley.

Total 8

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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**MESSAGES FROM THE OTHER HOUSE**

<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/27/2007
<b>HB 98</b> , introduced by Franklin	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/27/2007
<b>HB 364</b> , introduced by Malcolm	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/27/2007
<b>HB 378</b> , introduced by Windy Boy	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/27/2007
<b>HB 383</b> , introduced by Kerns	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/27/2007
<b>HB 400</b> , introduced by Villa	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/27/2007
<b>HB 440</b> , introduced by Barrett	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/27/2007
<b>HB 442</b> , introduced by Phillips	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/27/2007
<b>HB 460</b> , introduced by Keane	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/27/2007
<b>HB 492</b> , introduced by Himmelberger	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/27/2007
<b>HB 533</b> , introduced by Ankney	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/27/2007
<b>HB 537</b> , introduced by Ripley	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/27/2007
<b>HB 555</b> , introduced by Grinde	

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<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/27/2007
<b>HB 559</b> , introduced by Heinert	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/27/2007
<b>HB 587</b> , introduced by Himmelberger	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/27/2007
<b>HB 618</b> , introduced by Sinrud	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/27/2007
<b>HB 634</b> , introduced by Van Dyk	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/27/2007
<b>HB 662</b> , introduced by Villa	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/27/2007
<b>HB 668</b> , introduced by Stahl	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/27/2007
<b>HB 683</b> , introduced by Reinhart	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/27/2007
<b>HB 690</b> , introduced by Bergren	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/27/2007
<b>HB 692</b> , introduced by Barrett	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/27/2007
<b>HB 703</b> , introduced by Ripley	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/27/2007
<b>HB 706</b> , introduced by Caferro	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/27/2007
<b>HB 713</b> , introduced by McGillvray	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/27/2007

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**HB 715**, introduced by Olson

**House bill** passed and transmitted to the Senate for concurrence: 2/27/2007

**HB 727**, introduced by Lange

**House bill** passed and transmitted to the Senate for concurrence: 2/27/2007

**HB 739**, introduced by Olson

**House bill** passed and transmitted to the Senate for concurrence: 2/27/2007

**HB 785**, introduced by Lange

**House joint resolution** passed and transmitted to the Senate for concurrence: 2/27/2007

**HJR 31**, introduced by Everett

**House joint resolution** passed and transmitted to the Senate for concurrence: 2/27/2007

**HJR 38**, introduced by Jore

**House joint resolution** passed and transmitted to the Senate for concurrence: 2/27/2007

**HJR 40**, introduced by Windy Boy

**House joint resolution** passed and transmitted to the Senate for concurrence: 2/27/2007

**HJR 42**, introduced by Wilmer

**House bill** passed and transmitted to the Senate for concurrence: 2/27/2007

**HB 116**, introduced by Ripley

**House bill** passed and transmitted to the Senate for concurrence: 2/27/2007

**HB 166**, introduced by Raser

**House bill** passed and transmitted to the Senate for concurrence: 2/27/2007

**HB 283**, introduced by Campbell

**House bill** passed and transmitted to the Senate for concurrence: 2/27/2007

**HB 340**, introduced by Wells

**House bill** passed and transmitted to the Senate for concurrence: 2/27/2007

**HB 345**, introduced by Lange

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<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/27/2007
<b>HB 405</b> , introduced by Lange	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/27/2007
<b>HB 412</b> , introduced by Ebinger	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/27/2007
<b>HB 462</b> , introduced by Sands	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/27/2007
<b>HB 466</b> , introduced by Jore	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/27/2007
<b>HB 531</b> , introduced by Lambert	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/27/2007
<b>HB 608</b> , introduced by Sinrud	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/27/2007
<b>HB 629</b> , introduced by Hamilton	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/27/2007
<b>HB 643</b> , introduced by Sinrud	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/27/2007
<b>HB 678</b> , introduced by Lange	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/27/2007
<b>HB 679</b> , introduced by Sales	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/27/2007
<b>HB 687</b> , introduced by W. Jones	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/27/2007
<b>HB 717</b> , introduced by Stahl	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/27/2007

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**HB 723**, introduced by Arntzen

**House bill** passed and transmitted to the Senate for concurrence: 2/27/2007

**HB 729**, introduced by Raser

**House bill** passed and transmitted to the Senate for concurrence: 2/27/2007

**HB 738**, introduced by Mendenhall

**House bill** passed and transmitted to the Senate for concurrence: 2/27/2007

**HB 742**, introduced by Raser

**House bill** passed and transmitted to the Senate for concurrence: 2/27/2007

**HB 743**, introduced by Clark

**House bill** passed and transmitted to the Senate for concurrence: 2/27/2007

**HB 744**, introduced by Rice

**House bill** passed and transmitted to the Senate for concurrence: 2/27/2007

**HB 748**, introduced by Sonju

**House bill** passed and transmitted to the Senate for concurrence: 2/27/2007

**HB 755**, introduced by Keane

**House bill** passed and transmitted to the Senate for concurrence: 2/27/2007

**HB 756**, introduced by L. Jones

**House bill** passed and transmitted to the Senate for concurrence: 2/27/2007

**HB 759**, introduced by Hendrick

**House bill** passed and transmitted to the Senate for concurrence: 2/27/2007

**HB 764**, introduced by Milburn

**House bill** passed and transmitted to the Senate for concurrence: 2/27/2007

**HB 765**, introduced by Olson

**House bill** passed and transmitted to the Senate for concurrence: 2/27/2007

**HB 768**, introduced by Gallik



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<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/27/2007
<b>HB 770</b> , introduced by Pomnichowski	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/27/2007
<b>HB 771</b> , introduced by W. Jones	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/27/2007
<b>HB 781</b> , introduced by Windy Boy	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/27/2007
<b>HB 783</b> , introduced by Lake	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/27/2007
<b>HB 786</b> , introduced by Blasdel	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/27/2007
<b>HB 789</b> , introduced by Campbell	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/27/2007
<b>HB 791</b> , introduced by Kasten	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/27/2007
<b>HB 803</b> , introduced by Himmelberger	
<b>House joint resolution</b> passed and transmitted to the Senate for concurrence:	2/27/2007
<b>HJR 24</b> , introduced by Hands	
<b>House joint resolution</b> passed and transmitted to the Senate for concurrence:	2/27/2007
<b>HJR 35</b> , introduced by Ebinger	
<b>House joint resolution</b> passed and transmitted to the Senate for concurrence:	2/27/2007
<b>HJR 44</b> , introduced by Gallik	

**MOTIONS**

**SEN. DON RYAN, SD 10, GREAT FALLS** moved to place **SB 410** on second reading for today. Motion **failed** as follows:

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Yeas: Black, Cobb, Cocchiarella, Elliott, Gallus, Harrington, Hawks, Juneau, Kaufmann, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Shockley, Smith, Squires, J.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 24

Nays: Bales, Balyeat, Barkus, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Gillan, Hansen, Jackson, Jent, Kitzenberg, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Stapleton, Steinbeisser, Story, Tash, M.Tropila.  
Total 26

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator J. Tropila in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SJR 20** - Senator Cooney moved **SJR 20** be adopted. Motion carried as follows:

Yeas: Brueggeman, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 29

Nays: Bales, Balyeat, Barkus, Black, Brown, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, McGee, O'Neil, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 20

Absent or not voting: Larson.  
Total 1

Excused: None.  
Total 0

**SB 498** - Senator Kaufmann moved **SB 498** do pass. Motion carried as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 28

Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee,

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Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 22

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 378** - Senator Gillan moved **SB 378** do pass. Motion carried with Senator Elliott voting nay.

**SB 355** - Senator Balyeat moved **SB 355**, second reading copy, be amended as follows:

1. Page 2, line 5.

**Strike:** "(a)"

2. Page 2, line 13 through line 16.

**Strike:** subsection (b) in its entirety

Amendment adopted unanimously.

**SB 355** - Senator Wanzenried moved **SB 355**, as amended, do pass. Motion **failed** as follows:

Yeas: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Harrington, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 25

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Hansen, Hawks, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 25

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 393** - Senator Gillan moved **SB 393** do pass. Motion carried unanimously.

**SB 355** - Senator McGee moved **SB 355** be **indefinitely postponed**. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Esp, Essmann, Gebhardt, Hansen, Hawks, Laible, Lewis, McGee, O'Neil, Perry, Peterson, Ryan, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 23

Nays: Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Harrington, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 25

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Absent or not voting: Jackson, Murphy.  
Total 2

Excused: None.  
Total 0

**SB 419** - Senator Lind moved **SB 419**, second reading copy, be amended as follows:

1. Page 5, line 22.

**Following:** "(9)"

**Insert:** "(a)"

**Strike:** "Upon"

**Insert:** "Except as provided in subsection (9)(b), upon"

2. Page 5, line 25.

**Following:** "first."

**Insert:** "For insurance contracts or plans issued under this part, the premium charged for the additional coverage of a dependent, as defined in 33-22-140(5)(b), may be required to be paid by the insured and not by the employer."

3. Page 5.

**Following:** line 25

**Insert:** "(b) An insurance contract or plan issued under this part for the state employee group insurance program and the university system group insurance program is not subject to subsection (9)(a)."

Amendment adopted unanimously.

**SB 419** - Senator Lind moved **SB 419**, as amended, do pass. Motion carried as follows:

Yeas: Brown, Cobb, Cocchiarella, Curtiss, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 31

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Esp, Essmann, Gebhardt, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 19

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 542** - Senator Ryan moved **SB 542** do pass. Motion carried unanimously.

**SB 473** - Senator Barkus moved **SB 473**, second reading copy, be amended as follows:

1. Title, lines 8 and 9.

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**Following:** "PAYMENTS;" on line 8

**Strike:** remainder of line 8 through "DECLARATIONS;" on line 9

2. Page 8, line 5.

**Strike:** "through (5)"

**Insert:** "and (4)"

3. Page 8, line 19.

**Strike:** "subsections"

**Insert:** "subsection"

**Strike:** "and (4)"

4. Page 9, lines 3 and 4.

**Strike:** subsection (4) in its entirety

**Renumber:** subsequent subsections

5. Page 9, line 6.

**Strike:** "(6)"

**Insert:** "(5)"

6. Page 9, line 7.

**Strike:** "(7)"

**Insert:** "(6)"

7. Page 9, line 16.

**Strike:** "(6)(b)"

**Insert:** "(5)(b)"

8. Page 9, line 23.

**Strike:** "(6)"

**Insert:** "(5)"

9. Page 9, line 26.

**Strike:** "(5)"

**Insert:** "(4)"

Amendment adopted as follows:

Yeas: Bales, Balyeat, Barkus, Brown, Cobb, Cocchiarella, Esp, Essmann, Gebhardt, Hawks, Jackson, Jent, Laible, Larson, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Ryan, Shockley, Stapleton, Steinbeisser, Story, Tash, J.Tropila.

Total 27

Nays: Black, Curtiss, Elliott, Gallus, Gillan, Hansen, Harrington, Juneau, Kaufmann, Kitzenberg, Laslovich, Lind, Moss, Pease, Schmidt, Smith, Squires, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 22

Absent or not voting: Brueggeman.

Total 1

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Excused: None.  
Total 0

**SB 473** - Senator Black moved **SB 473**, as amended, do pass. Motion carried unanimously.

**SB 352** - Senator Perry moved **SB 352** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Cobb, Curtiss, Elliott, Esp, Essmann, Gebhardt, Hawks, Jackson, Laible, Laslovich, Lewis, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 25

Nays: Cocchiarella, Gallus, Gillan, Hansen, Harrington, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Lind, McGee, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 24

Absent or not voting: Brueggeman.  
Total 1

Excused: None.  
Total 0

**SB 380** - Senator Cocchiarella moved consideration of **SB 380** be passed for the day. Motion carried.

**SB 428** - Senator Kaufmann moved **SB 428** do pass. Motion carried unanimously.

**SB 398** - Senator Gebhardt moved **SB 398** do pass. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Ryan, Shockley, Steinbeisser, Story, Tash.  
Total 24

Nays: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 25

Absent or not voting: Stapleton.  
Total 1

Excused: None.  
Total 0

**SB 398** - Senator Gebhardt moved **SB 398** be **indefinitely postponed**. Motion carried as follows:

Yeas: Bales, Cocchiarella, Elliott, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 33

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Nays: Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gallus, Jackson, Laible, McGee, Murphy, Shockley, Stapleton, Tash.

Total 17

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 405** - Senator Wanzenried moved **SB 405**, second reading copy, be amended as follows:

1. Title, line 7.

**Following:** "OF"

**Strike:** "CERTAIN FISCAL INFORMATION AND"

2. Page 1, line 17.

**Following:** "department"

**Strike:** "accounts and"

3. Page 1, line 19 through line 24.

**Strike:** "detailing" on line 19 through "information" on line 24

4. Page 1, line 28.

**Following:** "(1)"

**Strike:** "(c)"

Amendment **not** adopted as follows:

Yeas: Bales, Balyeat, Brueggeman, Cobb, Cocchiarella, Esp, Gebhardt, Gillan, Laible, Lewis, Moss, Pease, Ryan, Shockley, J.Tropila.

Total 15

Nays: Barkus, Black, Brown, Curtiss, Elliott, Essmann, Gallus, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, McGee, Murphy, O'Neil, Perry, Peterson, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, M.Tropila, Wanzenried, Weinberg, Williams, Mr.

President.

Total 35

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 405** - Senator Bales moved **SB 405** do pass. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash.

Total 25

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Nays: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 25

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 405** - Senator Williams moved **SB 405** be **indefinitely postponed**. Motion **failed** as follows:

Yeas: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 25

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash.  
Total 25

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 452** - Senator Williams moved **SB 452** do pass. Motion carried as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Ryan, Schmidt, Shockley, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 31

Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, McGee, O'Neil, Perry, Peterson, Stapleton, Steinbeisser, Story, Tash.  
Total 19

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 445** - Senator M. Tropila moved **SB 445** do pass. Motion carried unanimously.

**SB 450** - Senator Shockley moved **SB 450**, second reading copy, be amended as follows:

1. Page 1, line 17.  
**Strike:** "2013"



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**Insert:** "2011"

2. Page 1, line 19.

**Strike:** "2013"

**Insert:** "2011"

3. Page 2, line 11.

**Strike:** "2013"

**Insert:** "2011"

Amendment adopted unanimously.

Senate recessed at 12:20 p.m. and reconvened at 1:16 p.m.

Roll Call.

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 40

Nays: Balyeat, Curtiss, Essmann, Gebhardt, Jackson, McGee, O'Neil, Shockley, Stapleton.

Total 9

Absent or not voting: None.

Total 0

Excused: Brown.

Total 1

**SB 450** - Senator Juneau moved **SB 450**, as amended, do pass. Motion carried as follows:

Yeas: Cocchiarella, Elliott, Gallus, Gillan, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Murphy, Pease, Ryan, Schmidt, Shockley, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 28

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Hansen, Laible, Lewis, McGee, O'Neil, Perry, Peterson, Stapleton, Steinbeisser, Story, Tash.

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 480** - Senator Lind moved **SB 480**, as amended, do pass. Motion carried unanimously.

Senator Williams moved the committee rise, report progress, and beg leave to sit again. Motion carried.

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Committee arose. Senate resumed. President Cooney in the chair. Chairman Williams moved the Committee of the Whole report be adopted. Report adopted. McGee, Cobb, Esp voting nay.

The Senate reconvened at 1:16 p.m.

**SB 423** - Senator Kaufmann moved **SB 423**, second reading copy, be amended as follows:

1. Page 6, line 11 through line 12.

**Strike:** "SHALL" on line 11 through "INCLUDES MERCURY"

**Insert:** "is exempt from the requirements of this section"

Amendment adopted unanimously.

**SB 423** - Senator Kaufmann moved **SB 423**, as amended, do pass. Motion carried as follows:

Yeas: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 26

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Ryan, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 486** - Senator Shockley moved **SB 486**, as amended, do pass. Motion carried with Senator Gallus voting nay.

**SB 487** - Senator Story moved **SB 487** do pass. Motion carried with Senator O'Neil, Balyeat, Jackson voting nay.

**SB 242** - Senator Elliott moved **SB 242** do pass. Motion carried as follows:

Yeas: Cobb, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, O'Neil, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 27

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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**SB 534** - Senator Wanzenried moved **SB 534** do pass. Motion **failed** as follows:

Yeas: Cocchiarella, Elliott, Gallus, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Shockley, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 25

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Gillan, Jackson, Laible, Larson, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Stapleton, Steinbeisser, Story, Tash.  
Total 25

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 534** - Senator McGee moved **SB 534** be **indefinitely postponed**. Motion **failed** as follows:

Yeas: Cocchiarella, Elliott, Gallus, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Shockley, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 25

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Gillan, Jackson, Laible, Larson, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Stapleton, Steinbeisser, Story, Tash.  
Total 25

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 489** - Senator Cocchiarella moved **SB 489** do pass. Motion carried unanimously.

**SB 508** - Senator Hawks moved **SB 508** do pass. Motion carried as follows:

Yeas: Cocchiarella, Curtiss, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Murphy, Pease, Peterson, Ryan, Schmidt, Smith, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 29

Nays: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, O'Neil, Perry, Shockley, Squires, Stapleton, Steinbeisser, Tash.  
Total 20

Absent or not voting: None.  
Total 0

Excused: Balyeat.

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Total 1

**SB 517** - Senator Black moved **SB 517** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Gillan, Hansen, Jackson, Kitzenberg, Laible, Lewis, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Shockley, Stapleton, Steinbeisser, Story, Tash, J.Tropila.

Total 30

Nays: Cocchiarella, Elliott, Gallus, Harrington, Hawks, Jent, Juneau, Kaufmann, Larson, Laslovich, Lind, Moss, Schmidt, Smith, Squires, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 20

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 500** - Senator Kaufmann moved **SB 500** do pass. Motion carried as follows:

Yeas: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 25

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash, J.Tropila.

Total 24

Absent or not voting: None.

Total 0

Excused: Perry.

Total 1

**SB 518** - Senator Stapleton moved consideration of **SB 518** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**SB 532** - Senator Gallus moved **SB 532**, second reading copy, be amended as follows:

1. Title, line 4 through line 6.

**Strike:** "REVISING" on line 4 through ";" on line 6

2. Title, line 6.

**Following:** "THE"

**Insert:** "FIREFIGHTERS' UNITED"

3. Title, line 8.

**Strike:** "PROVIDING" through "PLAN;"

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4. Title, line 9.

**Strike:** "19-13-104,"

**Following:** "19-13-210"

**Strike:** ", "

**Insert:** "AND"

**Following:** "19-13-301,"

**Strike:** "AND 19-13-604,"

5. Title, line 9 through line 10.

**Following:** "DATE" on line 9

**Strike:** "AND" through "DATE" on line 10

6. Page 1, line 14 through page 3, line 1.

**Strike:** section 1 in its entirety

**Renumber:** subsequent sections

7. Page 5, line 6.

**Strike:** "960"

**Insert:** "480"

8. Page 5, line 9 through page 8, line 13.

**Strike:** section 4 through section 13 in their entirety

**Renumber:** subsequent sections

9. Page 8, line 17 through line 19.

**Strike:** section 15 in its entirety

Amendment adopted unanimously.

**SB 532** - Senator Gallus moved **SB 532**, as amended, do pass. Motion carried unanimously.

**SB 522** - Senator Weinberg moved **SB 522**, second reading copy, be amended as follows:

1. Title, line 11.

**Strike:** "PSYCHOLOGY"

**Insert:** "PSYCHOLOGISTS AND THE BOARD OF MEDICAL EXAMINERS"

2. Title, line 13.

**Strike:** "PSYCHOLOGY"

**Insert:** "PSYCHOLOGISTS"

3. Page 8, line 10.

**Following:** "board"

**Insert:** ", in consultation with the board of medical examiners,"

4. Page 8, line 19.

**Following:** "hours"

**Strike:** ", consisting"

**Insert:** "from an accredited academic institution of higher learning or from a program of equivalent curricular components as determined by the board. The program shall consist"

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5. Page 8, line 23.

**Strike:** "practitioners"

**Insert:** "physicians or prescribing psychologists"

6. Page 9, line 10.

**Following:** line 9

**Insert:** "(3) The board, in consultation with the board of pharmacy, shall adopt a list of controlled substances that a prescribing psychologist may prescribe. The list must be updated on an annual basis."

Amendment adopted unanimously.

**SB 522** - Senator Weinberg moved **SB 522**, as amended, do pass. Motion **failed** as follows:

Yeas: Balyeat, Black, Cocchiarella, Essmann, Gebhardt, Gillan, Hawks, Jent, Kitzenberg, Larson, Laslovich, Lewis, Moss, Murphy, O'Neil, Pease, Ryan, Smith, Stapleton, Weinberg.

Total 20

Nays: Bales, Barkus, Brown, Brueggeman, Cobb, Curtiss, Elliott, Esp, Gallus, Hansen, Harrington, Jackson, Juneau, Kaufmann, Laible, Lind, McGee, Perry, Peterson, Schmidt, Shockley, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Williams, Mr. President.

Total 30

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 522** - Senator Williams moved **SB 522** be **indefinitely postponed**. Motion carried as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Elliott, Esp, Essmann, Gebhardt, Hansen, Harrington, Jackson, Jent, Juneau, Kaufmann, Laible, Laslovich, Lewis, Lind, McGee, Pease, Perry, Peterson, Ryan, Shockley, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 37

Nays: Balyeat, Cocchiarella, Gallus, Gillan, Hawks, Kitzenberg, Larson, Moss, Murphy, O'Neil, Schmidt, Smith.

Total 12

Absent or not voting: None.

Total 0

Excused: Stapleton.

Total 1

**SB 533** - Senator M. Tropila moved **SB 533** do pass. Motion carried with Senator Story, Elliott voting nay.

**SB 539** - Senator Wanzenried moved **SB 539** do pass. Motion carried as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau,

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Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Pease, Ryan, Schmidt, Shockley, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 30

Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, McGee, Murphy, O'Neil, Perry, Peterson, Steinbeisser, Story, Tash.

Total 19

Absent or not voting: None.

Total 0

Excused: Stapleton.

Total 1

**SB 540** - Senator Jackson moved **SB 540** do pass. Motion carried with Senator Jent, Esp, Larson voting nay.

**SB 545** - Senator Smith moved **SB 545** do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Brown, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Jackson, Juneau, Kitzenberg, Laible, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Shockley, Smith, Story, Tash, J.Tropila, M.Tropila, Weinberg, Williams.

Total 30

Nays: Barkus, Black, Brueggeman, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Kaufmann, Larson, Laslovich, Lewis, Lind, Schmidt, Squires, Stapleton, Steinbeisser, Wanzenried, Mr. President.

Total 20

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Roll Call.

**SB 346** - Senator Shockley moved **SB 346** do pass. Motion carried as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hawks, Jent, Larson, Laslovich, Lewis, Lind, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Shockley, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Weinberg.

Total 32

Nays: Balyeat, Cocchiarella, Gebhardt, Hansen, Harrington, Jackson, Juneau, Kaufmann, Kitzenberg, Laible, Moss, Schmidt, Smith, Squires, Wanzenried, Williams, Mr. President.

Total 17

Absent or not voting: None.

Total 0

Excused: Stapleton.

Total 1

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**SB 195** - Senator Lind moved **SB 195** do pass. Motion **failed** as follows:

Yeas: Bales, Brueggeman, Cobb, Elliott, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Larson, Lind, McGee, Moss, O'Neil, Peterson, Ryan, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 23

Nays: Balyeat, Barkus, Black, Brown, Cocchiarella, Curtiss, Esp, Essmann, Gallus, Gebhardt, Gillan, Jackson, Kitzenberg, Laible, Laslovich, Lewis, Murphy, Pease, Perry, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash.  
Total 27

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 195** - Senator Williams moved **SB 195** be **indefinitely postponed**. Motion carried as follows:

Yeas: Balyeat, Barkus, Black, Brown, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Gillan, Jackson, Jent, Kitzenberg, Laible, Larson, Lewis, Murphy, Pease, Perry, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Weinberg, Williams.  
Total 30

Nays: Bales, Brueggeman, Cobb, Elliott, Gallus, Hansen, Harrington, Hawks, Juneau, Kaufmann, Laslovich, Lind, McGee, Moss, O'Neil, Peterson, J.Tropila, M.Tropila, Wanzenried, Mr. President.  
Total 20

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 326** - Senator Schmidt moved **SB 326** do pass. Motion carried with Senator Gebhardt, McGee, Shockley, Balyeat voting nay.

**SB 332** - Senator Juneau moved **SB 332** do pass. Motion carried as follows:

Yeas: Cobb, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, O'Neil, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 27

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 22

Absent or not voting: None.  
Total 0



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Excused: Cocchiarella.  
Total 1

**SB 536** - Senator Perry moved **SB 536**, second reading copy, be amended as follows:

1. Title, line 4.  
**Strike:** "STATE GOVERNMENT,"

2. Page 3, line 10.  
**Strike:** "state government,"

Amendment adopted with Senator McGee, Larson, Balyeat voting nay.

**SB 536** - Senator Perry moved **SB 536**, as amended, do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gallus, Gebhardt, Jackson, Laible, Laslovich, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 26

Nays: Cocchiarella, Elliott, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 24

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 529** - Senator Essmann moved **SB 529** do pass. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Gillan, Jackson, Laible, Larson, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Stapleton, Steinbeisser, Story, Tash.  
Total 25

Nays: Cocchiarella, Elliott, Gallus, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Shockley, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 25

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 475** - Senator Larson moved **SB 475** do pass. Motion carried as follows:

Yeas: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg,

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Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Shockley, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 26

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Smith, Stapleton, Steinbeisser, Story, Tash.

Total 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 514** - Senator Balyeat moved **SB 514** do pass. Motion carried unanimously.

**SB 307** - Senator Juneau moved **SB 307**, second reading copy, be amended as follows:

1. Page 1, line 23.

**Strike:** "2013"

**Insert:** "2008"

Amendment **not** adopted as follows:

Yeas: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Larson, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 23

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Jent, Kitzenberg, Laible, Laslovich, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 27

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 307** - Senator Ryan moved **SB 307** do pass. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Gillan, Jackson, Laible, Lewis, McGee, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story.

Total 23

Nays: Cocchiarella, Elliott, Gallus, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Murphy, Pease, Ryan, Schmidt, Smith, Squires, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 27

Absent or not voting: None.

Total 0

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Excused: None.  
Total 0

**SB 307** - Senator Ryan moved **SB 307** be indefinitely postponed. Motion carried as follows:

Yeas: Brueggeman, Cocchiarella, Elliott, Esp, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Murphy, Pease, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 35

Nays: Bales, Balyeat, Barkus, Black, Brown, Cobb, Curtiss, Essmann, Gebhardt, Laible, Lewis, McGee, O'Neil, Perry, Shockley.  
Total 15

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 518** - Senator Perry moved **SB 518** do pass. Motion carried with Senator Juneau, Kaufmann, Moss voting nay.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 426** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 47

Nays: Cocchiarella, Kaufmann, Ryan.  
Total 3

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 509** passed as follows:

Yeas: Bales, Brown, Brueggeman, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington,

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Hawks, Jackson, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Murphy, Pease, Schmidt, Shockley, Smith, Squires, Stapleton, J.Tropila, M.Tropila, Williams, Mr. President.

Total 31

Nays: Balyeat, Barkus, Black, Cobb, Curtiss, Gebhardt, Jent, Laible, Lewis, McGee, O'Neil, Perry, Peterson, Ryan, Steinbeisser, Story, Tash, Wanzenried, Weinberg.

Total 19

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 202** passed as follows:

Yeas: Cobb, Cocchiarella, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Schmidt, Shockley, Smith, Squires, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 30

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Gebhardt, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Ryan, Stapleton, Steinbeisser, Story.

Total 20

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 439** passed as follows:

Yeas: Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 39

Nays: Bales, Balyeat, Barkus, Curtiss, Gebhardt, Jackson, McGee, O'Neil, Perry, Shockley, Steinbeisser.

Total 11

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 448** passed as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau,

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Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 30

Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Essmann, Gebhardt, Jackson, Laible, McGee, O'Neil, Perry, Peterson, Ryan, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 20

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 481** passed as follows:

Yeas: Black, Brueggeman, Elliott, Essmann, Gallus, Gebhardt, Gillan, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Schmidt, Shockley, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 30

Nays: Bales, Balyeat, Barkus, Brown, Cobb, Cocchiarella, Curtiss, Esp, Hansen, Jackson, Laible, McGee, O'Neil, Perry, Peterson, Ryan, Stapleton, Steinbeisser, Story, Tash.

Total 20

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 337** passed as follows:

Yeas: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 27

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 413** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann,

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Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 404** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 467** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 451** passed as follows:

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Yeas: Cobb, Cocchiarella, Elliott, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Murphy, Pease, Peterson, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, J.Tropila, M.Tropila, Wanzenried, Williams, Mr. President.

Total 31

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gillan, Jackson, Laible, Lewis, McGee, O'Neil, Perry, Ryan, Tash, Weinberg.

Total 19

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 449** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 47

Nays: Esp, McGee, Tash.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 432** passed as follows:

Yeas: Black, Brueggeman, Cobb, Cocchiarella, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 35

Nays: Bales, Balyeat, Barkus, Brown, Curtiss, Elliott, Esp, Essmann, Gebhardt, Jackson, O'Neil, Perry, Shockley, Story.

Total 14

Absent or not voting: Peterson.

Total 1

Excused: None.

Total 0

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**SB 547** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: Kaufmann.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 437** passed as follows:

Yeas: Black, Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Pease, Peterson, Schmidt, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 29

Nays: Bales, Balyeat, Barkus, Brown, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, McGee, Murphy, O'Neil, Perry, Ryan, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash.

Total 21

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 503** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.



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Total 0

**SB 504** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: McGee.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 531** passed as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 48

Nays: Balyeat, McGee.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 535** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

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Total 0

Excused: None.

Total 0

**SB 541** passed as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 48

Nays: Balyeat, O'Neil.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SJR 26** adopted as follows:

Yeas: Bales, Brueggeman, Cocchiarella, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 36

Nays: Balyeat, Barkus, Black, Brown, Cobb, Curtiss, Esp, Essmann, Jackson, Jent, McGee, O'Neil, Squires, Story.

Total 14

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SJR 17** adopted as follows:

Yeas: Balyeat, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 44

Nays: Bales, Barkus, Esp, Jent, McGee, Steinbeisser.

Total 6

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SJR 16** adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 47

Nays: Esp, Stapleton, Steinbeisser.  
Total 3

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 527** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: O'Neil.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 537** passed as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Juneau, Kaufmann, Kitzenberg, Laible, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 45

Nays: Balyeat, Esp, Jent, Larson, O'Neil.  
Total 5

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 407** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Gillan, Jackson, Kitzenberg, Laible, Laslovich, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Ryan, Shockley, Stapleton, Steinbeisser, Story, Tash, J.Tropila.  
Total 30

Nays: Elliott, Gallus, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Larson, Lind, Moss, Pease, Schmidt, Smith, Squires, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 20

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 309** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 48

Nays: Elliott, Kaufmann.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SJR 25** adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 497** passed as follows:

Yeas: Bales, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 42

Nays: Balyeat, Barkus, Esp, Gebhardt, McGee, O'Neil, Perry, Stapleton.  
Total 8

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SJR 13** adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 48

Nays: Esp, McGee.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SJR 21** adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 48

Nays: Esp, Ryan.

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Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 339** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Harrington, Jackson, Jent, Juneau, Laible, Laslovich, Lewis, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash, J.Tropila, Wanzenried, Weinberg.

Total 34

Nays: Cocchiarella, Gillan, Hansen, Hawks, Kaufmann, Kitzenberg, Larson, Lind, Moss, Ryan, Schmidt, Smith, Squires, M.Tropila, Williams, Mr. President.

Total 16

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 544** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 538** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 47

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Nays: Esp, Hansen, McGee.  
Total 3

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 149** passed as follows:

Yeas: Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Hansen, Harrington, Hawks, Jackson, Jent, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Weinberg, Williams, Mr. President.  
Total 40

Nays: Bales, Balyeat, Gebhardt, Gillan, Juneau, Kaufmann, McGee, O'Neil, Story, Wanzenried.  
Total 10

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 160** passed as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, O'Neil, Pease, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 44

Nays: Balyeat, Esp, McGee, Murphy, Story.  
Total 5

Absent or not voting: Perry.  
Total 1

Excused: None.  
Total 0

**SB 219** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Elliott, Esp, Essmann, Gebhardt, Harrington, Hawks, Jackson, Jent, Kitzenberg, Laible, Laslovich, Lewis, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Schmidt, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, Mr. President.  
Total 34

Nays: Cocchiarella, Gallus, Gillan, Hansen, Juneau, Kaufmann, Larson, Lind, Moss, Ryan, Squires, J.Tropila,

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M.Tropila, Wanzenried, Weinberg, Williams.  
Total 16

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**MOTIONS**

**SEN. COREY STAPLETON, SD 27, BILLINGS** moved to suspend the rules for all bills that passed today in second and third reading be heard tomorrow. Motion carried unanimously.

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 8:00 a.m., Wednesday, February 28, 2007.  
Motion carried.

Senate adjourned at 8:20 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate



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**SENATE JOURNAL  
60TH LEGISLATURE  
FORTY-FIFTH LEGISLATIVE DAY**

Helena, Montana  
February 28, 2007

Senate Chambers  
State Capitol

Senate convened at 8:00 a.m. President Cooney presiding. Invocation by Father Loren Gustafson, Our Redeemers Lutheran Church. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 42

Nays: Balyeat, Esp, Essmann, Gebhardt, Jackson, McGee, O'Neil, Shockley.  
Total 8

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**MESSAGES FROM THE OTHER HOUSE**

**House bill** passed and transmitted to the Senate for concurrence: 2/28/2007

**HB 92**, introduced by Franklin

**House bill** passed and transmitted to the Senate for concurrence: 2/28/2007

**HB 118**, introduced by Henry

**House bill** passed and transmitted to the Senate for concurrence: 2/28/2007

**HB 185**, introduced by Jopek

**House bill** passed and transmitted to the Senate for concurrence: 2/28/2007

**HB 359**, introduced by Dutton

**House bill** passed and transmitted to the Senate for concurrence: 2/28/2007

**HB 415**, introduced by Reinhart

**House bill** passed and transmitted to the Senate for concurrence: 2/28/2007

**HB 425**, introduced by Sesso

**House bill** passed and transmitted to the Senate for concurrence: 2/28/2007

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**HB 515**, introduced by Glaser

**House bill** passed and transmitted to the Senate for concurrence: 2/28/2007

**HB 544**, introduced by Olson

**House bill** passed and transmitted to the Senate for concurrence: 2/28/2007

**HB 557**, introduced by Heinert

**House bill** passed and transmitted to the Senate for concurrence: 2/28/2007

**HB 577**, introduced by Caferro

**House bill** passed and transmitted to the Senate for concurrence: 2/28/2007

**HB 610**, introduced by Keane

**House bill** passed and transmitted to the Senate for concurrence: 2/28/2007

**HB 613**, introduced by Bergren

**House bill** passed and transmitted to the Senate for concurrence: 2/28/2007

**HB 622**, introduced by McGillvray

**House bill** passed and transmitted to the Senate for concurrence: 2/28/2007

**HB 650**, introduced by Koopman

**House bill** passed and transmitted to the Senate for concurrence: 2/28/2007

**HB 672**, introduced by Glaser

**House bill** passed and transmitted to the Senate for concurrence: 2/28/2007

**HB 688**, introduced by Olson

**House bill** passed and transmitted to the Senate for concurrence: 2/28/2007

**HB 695**, introduced by McNutt

**House bill** passed and transmitted to the Senate for concurrence: 2/28/2007

**HB 726**, introduced by Gallik

**House bill** passed and transmitted to the Senate for concurrence: 2/28/2007

**HB 728**, introduced by McChesney

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<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/28/2007
<b>HB 761</b> , introduced by French	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/28/2007
<b>HB 763</b> , introduced by Ankney	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/28/2007
<b>HB 766</b> , introduced by Sonju	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/28/2007
<b>HB 769</b> , introduced by Lake	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/28/2007
<b>HB 782</b> , introduced by Caferro	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/28/2007
<b>HB 795</b> , introduced by Hands	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	2/28/2007
<b>HB 584</b> , introduced by Jopek	
<b>House joint resolution</b> passed and transmitted to the Senate for concurrence:	2/28/2007
<b>HJR 41</b> , introduced by Furey	

**MOTIONS**

**SEN. VICKI COCCHIARELLA, SD 47, MISSOULA** moved to postpone **SB 380** until March 2, 2007. Motion carried.

**SEN. GREG LIND, SD 50, MISSOULA** moved to re-refer **SB 105** to Taxation Committee. Motion carried.

**SEN. KIM GILLAN, SD 24, BILLINGS** moved to re-refer **SB 345** and **SB 201** to Taxation Committee. Motion carried.

**SEN. JIM ELLIOTT, SD 7, TROUT CREEK** moved to re-refer **SB 483** to the 90th Legislative day. Motion carried.

**SEN. ELLIOTT** moved to re-refer **SB 220** to Taxation Committee. Motion carried.

**SEN. JOHN BRUEGGEMAN, SD 6, POLSON** moved to change his vote on **SB 242** from "no" to "yes". Motion carried.

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**SEN. GARY PERRY, SD 35, MANHATTAN** moved to change his vote on **SB 539** from "yes" to "no".  
Motion carried.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SJR 20** adopted as follows:

Yeas: Brueggeman, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 30

Nays: Bales, Balyeat, Barkus, Black, Brown, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, McGee, Murphy, O'Neil, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 20

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 498** passed as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 29

Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Esp, Essmann, Gebhardt, Jackson, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 21

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 378** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

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Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 393** passed as follows:

Yeas: Bales, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 43

Nays: Balyeat, Barkus, Gebhardt, Jackson, Shockley, Stapleton, Tash.  
Total 7

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 419** passed as follows:

Yeas: Brown, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 30

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story.  
Total 20

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 542** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

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Nays: O'Neil.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 473** passed as follows:

Yeas: Bales, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Juneau, Kaufmann, Kitzenberg, Laible, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 40

Nays: Balyeat, Barkus, Elliott, Esp, Gebhardt, Jent, Larson, O'Neil, Shockley, Story.  
Total 10

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 352** failed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 24

Nays: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 26

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 428** passed as follows:

Yeas: Bales, Balyeat, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 47

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Nays: Barkus, Curtiss, Esp.  
Total 3

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 452** passed as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Ryan, Schmidt, Shockley, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 31

Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, McGee, O'Neil, Perry, Peterson, Stapleton, Steinbeisser, Story, Tash.  
Total 19

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 445** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 46

Nays: Curtiss, Esp, McGee, Story.  
Total 4

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 450** passed as follows:

Yeas: Cocchiarella, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Ryan, Schmidt, Shockley, Smith, Squires, J.Tropila, M.Tropila, Weinberg, Williams, Mr. President.  
Total 31

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Gebhardt, Laible, McGee, Perry,



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Peterson, Stapleton, Steinbeisser, Story, Tash, Wanzenried.  
Total 19

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 480** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 423** passed as follows:

Yeas: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Schmidt, Shockley, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 27

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Ryan, Stapleton, Steinbeisser, Story, Tash.  
Total 23

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 486** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 48

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Nays: Gallus, Kaufmann.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 487** passed as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 45

Nays: Balyeat, Gebhardt, Jackson, O'Neil, Shockley.  
Total 5

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 242** passed as follows:

Yeas: Cobb, Elliott, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, McGee, Moss, O'Neil, Pease, Ryan, Schmidt, Shockley, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 27

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Esp, Essmann, Gallus, Gebhardt, Jackson, Laible, Lewis, Murphy, Perry, Peterson, Smith, Stapleton, Steinbeisser, Story, Tash.  
Total 23

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 489** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

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Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 508** passed as follows:

Yeas: Black, Cocchiarella, Curtiss, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, Story, J.Tropila, M.Tropila, Weinberg, Williams, Mr. President.  
Total 28

Nays: Bales, Balyeat, Barkus, Brown, Brueggeman, Cobb, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Tash, Wanzenried.  
Total 22

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 517** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Hansen, Jackson, Kitzenberg, Laible, Lewis, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Shockley, Stapleton, Steinbeisser, Story, Tash, J.Tropila.  
Total 30

Nays: Cocchiarella, Elliott, Gallus, Gillan, Harrington, Hawks, Jent, Juneau, Kaufmann, Larson, Laslovich, Lind, Schmidt, Smith, Squires, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 20

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 500 failed** as follows:

Yeas: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 25

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson,

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Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash, J.Tropila.  
Total 25

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 532** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 48

Nays: Esp, McGee.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 533** passed as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 46

Nays: Balyeat, Esp, O'Neil, Story.  
Total 4

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 539** passed as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Pease, Ryan, Schmidt, Shockley, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 30

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Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, McGee, Murphy, O'Neil, Perry, Peterson, Stapleton, Steinbeisser, Story, Tash.  
Total 20

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 540** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Juneau, Kitzenberg, Laible, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Weinberg, Williams, Mr. President.  
Total 45

Nays: Esp, Jent, Kaufmann, Larson, Wanzenried.  
Total 5

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 545 failed** as follows:

Yeas: Bales, Balyeat, Cobb, Curtiss, Esp, Essmann, Gebhardt, Hawks, Jackson, Juneau, Kitzenberg, Laible, McGee, O'Neil, Pease, Smith, Story, J.Tropila, M.Tropila.  
Total 19

Nays: Barkus, Black, Brown, Brueggeman, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Jent, Kaufmann, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Perry, Peterson, Ryan, Schmidt, Shockley, Squires, Stapleton, Steinbeisser, Tash, Wanzenried, Weinberg, Williams, Mr. President.  
Total 31

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 346** passed as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Elliott, Essmann, Gallus, Gillan, Hawks, Jackson, Jent, Larson, Laslovich, Lewis, Lind, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Shockley, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Weinberg.  
Total 33

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Nays: Balyeat, Cocchiarella, Esp, Gebhardt, Hansen, Harrington, Juneau, Kaufmann, Kitzenberg, Laible, Moss, Schmidt, Smith, Squires, Wanzenried, Williams, Mr. President.

Total 17

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 326** passed as follows:

Yeas: Barkus, Black, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 43

Nays: Bales, Balyeat, Brown, Curtiss, Gebhardt, McGee, O'Neil.

Total 7

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 332** passed as follows:

Yeas: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, O'Neil, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 28

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 536** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gallus, Gebhardt, Hawks, Jackson, Jent, Laible, Laslovich, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash.

Total 29

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Nays: Cocchiarella, Elliott, Gillan, Hansen, Harrington, Juneau, Kaufmann, Kitzenberg, Larson, Lind, Moss, Pease, Ryan, Schmidt, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 21

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 529** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Gillan, Hawks, Jackson, Jent, Laible, Larson, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 29

Nays: Elliott, Gallus, Hansen, Harrington, Juneau, Kaufmann, Kitzenberg, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 21

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 475** passed as follows:

Yeas: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Shockley, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 27

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Stapleton, Steinbeisser, Story, Tash.  
Total 23

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 514** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

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Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 518** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Elliott, Esp, Essmann, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, Weinberg, Williams, Mr. President.  
Total 41

Nays: Cocchiarella, Gallus, Gillan, Juneau, Kaufmann, Moss, Ryan, M.Tropila, Wanzenried.  
Total 9

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1:00 p.m., Tuesday, March 6, 2007. Motion carried.

Senate adjourned at 8:37 a.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate



**SENATE JOURNAL  
60TH LEGISLATURE  
FORTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana  
March 6, 2007

Senate Chambers  
State Capitol

Senate convened at 1:00 p.m. President Cooney presiding. Invocation by Pastor Travis Norton of Our Redeemer's Lutheran Church. Pledge of Allegiance to the Flag.

Roll Call. Senators Wanzenried and Barkus excused. Quorum present.

Yeas: Bales, Balyeat, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Weinberg, Williams, Mr. President.  
Total 46

Nays: Jackson, McGee.  
Total 2

Absent or not voting: None.  
Total 0

Excused: Barkus, Wanzenried.  
Total 2

**MESSAGES FROM THE OTHER HOUSE**

**Senate bill** passed and transmitted to the Senate for concurrence: 3/1/2007

**SB 242**, introduced by Elliott

**Senate bill** passed and transmitted to the Senate for concurrence: 3/1/2007

**SB 332**, introduced by Juneau

**Senate bill** passed and transmitted to the Senate for concurrence: 3/1/2007

**SB 346**, introduced by Shockley

**Senate bill** passed and transmitted to the Senate for concurrence: 3/1/2007

**SB 378**, introduced by Gillan

**Senate bill** passed and transmitted to the Senate for concurrence: 3/1/2007

**SB 393**, introduced by Gillan

**Senate bill** passed and transmitted to the Senate for concurrence: 3/1/2007

**SB 419**, introduced by Lind

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<b>Senate bill</b> passed and transmitted to the Senate for concurrence:	3/1/2007
<b>SB 423</b> , introduced by Kaufmann	
<b>Senate bill</b> passed and transmitted to the Senate for concurrence:	3/1/2007
<b>SB 428</b> , introduced by Kaufmann	
<b>Senate bill</b> passed and transmitted to the Senate for concurrence:	3/1/2007
<b>SB 445</b> , introduced by M. Tropila	
<b>Senate bill</b> passed and transmitted to the Senate for concurrence:	3/1/2007
<b>SB 450</b> , introduced by Juneau	
<b>Senate bill</b> passed and transmitted to the Senate for concurrence:	3/1/2007
<b>SB 452</b> , introduced by Williams	
<b>Senate bill</b> passed and transmitted to the Senate for concurrence:	3/1/2007
<b>SB 473</b> , introduced by Black	
<b>Senate bill</b> passed and transmitted to the Senate for concurrence:	3/1/2007
<b>SB 475</b> , introduced by Larson	
<b>Senate bill</b> passed and transmitted to the Senate for concurrence:	3/1/2007
<b>SB 480</b> , introduced by Lind	
<b>Senate bill</b> passed and transmitted to the Senate for concurrence:	3/1/2007
<b>SB 486</b> , introduced by Shockley	
<b>Senate bill</b> passed and transmitted to the Senate for concurrence:	3/1/2007
<b>SB 487</b> , introduced by Story	
<b>Senate bill</b> passed and transmitted to the Senate for concurrence:	3/1/2007
<b>SB 498</b> , introduced by Kaufmann	
<b>Senate bill</b> passed and transmitted to the Senate for concurrence:	3/1/2007
<b>SB 508</b> , introduced by Hawks	
<b>Senate bill</b> passed and transmitted to the Senate for concurrence:	3/1/2007

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**SB 514**, introduced by Balyeat

**Senate bill** passed and transmitted to the Senate for concurrence: 3/1/2007

**SB 517**, introduced by Black

**Senate bill** passed and transmitted to the Senate for concurrence: 3/1/2007

**SB 518**, introduced by Perry

**Senate bill** passed and transmitted to the Senate for concurrence: 3/1/2007

**SB 532**, introduced by Gallus

**Senate bill** passed and transmitted to the Senate for concurrence: 3/1/2007

**SB 533**, introduced by M. Tropila

**Senate bill** passed and transmitted to the Senate for concurrence: 3/1/2007

**SB 536**, introduced by Perry

**Senate bill** passed and transmitted to the Senate for concurrence: 3/1/2007

**SB 539**, introduced by Wanzenried

**Senate bill** passed and transmitted to the Senate for concurrence: 3/1/2007

**SB 540**, introduced by Jackson

**Senate bill** passed and transmitted to the Senate for concurrence: 3/1/2007

**SB 542**, introduced by Ryan

**Senate joint resolution** passed and transmitted to the Senate for concurrence: 3/1/2007

**SJR 20**, introduced by Cooney

**Senate bill** passed and transmitted to the Senate for concurrence: 3/1/2007

**SB 326**, introduced by Schmidt

**Senate bill** passed and transmitted to the Senate for concurrence: 3/1/2007

**SB 489**, introduced by Cocchiarella

**Senate bill** passed and transmitted to the Senate for concurrence: 3/1/2007

**SB 529**, introduced by Essmann

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FORTY-SEVENTH LEGISLATIVE DAY - MARCH 6, 2007

**SPECIAL ORDERS OF THE DAY**

**LEGISLATIVE ADMINISTRATION** (Smith, Chairman):

3/6/2007

MR. PRESIDENT:

We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 9:00 a.m., Wednesday, February 28, 2007:

TITLE

NAME

Pages:

Pete Damrow, Helena  
Kathleen Bush, Helena  
Shannon Nyman, Helena  
Stuart Bertrand, Billings

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Tuesday, March 6, 2007:

TITLE

NAME

Pages:

Jillisa Stewart, Dillon  
Janell Zerbe, Lustre  
Kevin Knudson, Harlowton  
Shalaine Watson, Forsyth  
Creede Caldwell, Helena  
Spencer Bold, Winifred

Report Adopted.

**SEN. TRUDI SCHMIDT, SD 11, GREAT FALLS** introduced students from the Montana School for the Deaf and Blind who performed two beautiful songs in sign language for the Senate.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1:00 p.m., Wednesday, March 7, 2007. Motion carried.

Senate adjourned at 1:31 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

**SENATE JOURNAL  
60TH LEGISLATURE  
FORTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana  
March 7, 2007

Senate Chambers  
State Capitol

Senate convened at 1:00 p.m. President Cooney presiding. Invocation by Rev. Joel Kallberg, Assembly of God Church, Boulder, Montana. Pledge of Allegiance to the Flag.

Roll Call. Senator Elliott excused. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 42

Nays: Balyeat, Gebhardt, Jackson, McGee, O'Neil, Shockley, Stapleton.  
Total 7

Absent or not voting: None.  
Total 0

Excused: Elliott.  
Total 1

**REPORTS OF STANDING COMMITTEES**

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Cocchiarella, Chairman): 3/7/2007

**HB 72**, be concurred in. Report adopted.  
**HB 76**, be concurred in. Report adopted.  
**HB 106**, be concurred in. Report adopted.  
**HB 137**, be concurred in. Report adopted.  
**HB 255**, be concurred in. Report adopted.

**FISH AND GAME** (Tropila, Chairman): 3/7/2007

**HB 38**, be concurred in. Report adopted.  
**HB 115**, be concurred in. Report adopted.  
**HB 226**, be concurred in. Report adopted.

**HIGHWAYS AND TRANSPORTATION** (Pease, Chairman): 3/7/2007

**SB 219**, do pass. Report adopted.  
**HB 274**, be concurred in. Report adopted.

**JUDICIARY** (Laslovich, Chairman): 3/7/2007

**HB 82**, be concurred in. Report adopted.  
**HB 84**, be concurred in. Report adopted.  
**HB 162**, be concurred in. Report adopted.

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FORTY-EIGHTH LEGISLATIVE DAY - MARCH 7, 2007

**LOCAL GOVERNMENT** (Gillan, Chairman):

3/7/2007

**HB 22**, be concurred in. Report adopted.

**HB 102**, be concurred in. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

**House bill** passed and transmitted to the Senate for concurrence:

3/7/2007

**HB 26**, introduced by McGillvray

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 584**, introduced by Jopek, referred to Natural Resources and Energy.

**HB 761**, introduced by French, referred to Education and Cultural Resources.

**HB 766**, introduced by Sonju, referred to Business, Labor, and Economic Affairs.

**HB 782**, introduced by Caferro, referred to Public Health, Welfare and Safety.

**HB 795**, introduced by Hands, referred to Local Government.

**HB 13**, introduced by Sesso, referred to Finance and Claims.

**HB 92**, introduced by Franklin, referred to Public Health, Welfare and Safety.

**HB 118**, introduced by Henry, referred to Public Health, Welfare and Safety.

**HB 157**, introduced by Caferro, referred to Public Health, Welfare and Safety.

**HB 166**, introduced by Raser, referred to Natural Resources and Energy.

**HB 299**, introduced by Milburn, referred to Judiciary.

**HB 340**, introduced by Wells, referred to Judiciary.

**HB 359**, introduced by Dutton, referred to Public Health, Welfare and Safety.

**HB 415**, introduced by Reinhart, referred to Local Government.

**HB 420**, introduced by Koopman, referred to Judiciary.

**HB 423**, introduced by K. Peterson, referred to Judiciary.

**HB 425**, introduced by Sesso, referred to Local Government.

**HB 427**, introduced by Bergren, referred to Natural Resources and Energy.

**HB 435**, introduced by Parker, referred to Judiciary.

**HB 515**, introduced by Glaser, referred to Education and Cultural Resources.

**HB 544**, introduced by Olson, referred to State Administration.

**HB 557**, introduced by Heinert, referred to Natural Resources and Energy.

**HB 577**, introduced by Caferro, referred to Public Health, Welfare and Safety.

**HB 613**, introduced by Bergren, referred to Fish and Game.

**HB 728**, introduced by McChesney, referred to Natural Resources and Energy.

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 41**, introduced by Furey, referred to State Administration.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Hansen in the chair.

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FORTY-EIGHTH LEGISLATIVE DAY - MARCH 7, 2007

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 431** - Senator J. Tropila moved **HB 431** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 48

Nays: O'Neil.  
Total 1

Absent or not voting: None.  
Total 0

Excused: Elliott.  
Total 1

**HJR 6** - Senator Hawks moved **HJR 6** be concurred in. Motion carried as follows:

Yeas: Brueggeman, Cobb, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 26

Nays: Bales, Balyeat, Barkus, Black, Brown, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 23

Absent or not voting: None.  
Total 0

Excused: Elliott.  
Total 1

**HB 122** - Senator Black moved **HB 122** be concurred in. Motion carried unanimously.

**HB 126** - Senator Black moved **HB 126** be concurred in. Motion carried unanimously.

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Hansen moved the Committee of the Whole report be adopted. Report adopted unanimously.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1:00 p.m., Thursday, March 8, 2007. Motion carried.

SENATE JOURNAL  
FORTY-EIGHTH LEGISLATIVE DAY - MARCH 7, 2007

Senate adjourned at 1:44 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate



**SENATE JOURNAL  
60TH LEGISLATURE  
FORTY-NINTH LEGISLATIVE DAY**

Helena, Montana  
March 8, 2007

Senate Chambers  
State Capitol

Senate convened at 1:00 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. Senators Elliott and Tash excused. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 42

Nays: Balyeat, Esp, Gebhardt, Jackson, O'Neil, Shockley.

Total 6

Absent or not voting: None.

Total 0

Excused: Elliott, Tash.

Total 2

**REPORTS OF STANDING COMMITTEES**

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Cocchiarella, Chairman):

3/8/2007

**HB 111**, be amended as follows:

1. Title, line 8.

**Following:** "APPEALS;"

**Insert:** "RELIEVING CERTAIN EMPLOYERS OF BENEFIT CHARGES ASSOCIATED WITH REHIRING  
RETURNING MILITARY PERSONNEL;"

2. Title, line 11.

**Following:** "39-51-1109,"

**Insert:** "39-51-1214,"

3. Page 4.

**Following:** line 11

**Insert:** "(iv) a physical therapist under Title 37, chapter 11;"

**Renumber:** subsequent subsections

4. Page 16.

**Following:** line 8

**Insert:** "**Section 10.** Section 39-51-1214, MCA, is amended to read:

**"39-51-1214. Benefit payments chargeable to employer experience rating accounts. (1) Except for cost**

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reimbursement, benefits paid must be charged to the account of each of the claimant's base period employers. The benefit charged must be based on the percentage of wages paid by the employer as compared to the total wages paid by all employers in the claimant's base period.

(2) A charge may not be made to the account of a covered employer with respect to benefits paid under the following situations:

(a) if paid to a worker who terminated services voluntarily without good cause attributable to a covered employer or who had been discharged for misconduct in connection with services;

(b) if paid in accordance with the extended benefit program triggered by either national or state indicators;

(c) if the base period employer continues to provide employment with no reduction in hours or wages;

(d) if benefits are paid to claimants who are in training approved under 39-51-2307; ~~or~~

(e) if the base period employer is ordered to military service, as defined in 10-1-1003; or

(f) if benefits are paid to an employee laid off as the result of the return to work of a permanent employee who:

(i) was called to military service, as defined in 10-1-1003; and

(ii) had completed 4 or more weeks of military service and exercised reemployment rights under Title 10, chapter 1, part 10."

5. Page 21, lines 15 and 16.

**Following:** "dates." on line 15

**Insert:** "(1) [Sections 10, 16, and 17 and this section] are effective July 1, 2007."

**Renumber:** subsequent subsections

**Following:** "7," on line 15

**Strike:** "and"

**Following:** "9" on line 15

**Insert:** ", and 11"

**Strike:** "16" on line 15 through "section" on line 16

**Insert:** "15"

And, as amended, be concurred in. Report adopted.

**HB 158**, be concurred in. Report adopted.

**JUDICIARY** (Laslovich, Chairman):

3/7/2007

**SB 128**, do pass. Report adopted.

**SB 402**, do pass. Report adopted.

**NATURAL RESOURCES AND ENERGY** (Lind, Chairman):

3/7/2007

**HB 94**, be concurred in. Report adopted.

**HB 167**, be concurred in. Report adopted.

**STATE ADMINISTRATION** (Squires, Chairman):

3/7/2007

**SB 18**, do pass. Report adopted.

**HB 43**, be concurred in. Report adopted.

**HB 46**, be concurred in. Report adopted.

**HB 48**, be concurred in. Report adopted.

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**MESSAGES FROM THE OTHER HOUSE**

**House bill** passed and transmitted to the Senate for concurrence: 3/7/2007  
**HB 57**, introduced by Franklin

**House bill** passed and transmitted to the Senate for concurrence: 3/7/2007  
**HB 583**, introduced by Jopek

**House joint resolution** passed and transmitted to the Senate for concurrence: 3/7/2007  
**HJR 22**, introduced by W. Jones

**House joint resolution** passed and transmitted to the Senate for concurrence: 3/7/2007  
**HJR 33**, introduced by Thomas

**House joint resolution** passed and transmitted to the Senate for concurrence: 3/7/2007  
**HJR 39**, introduced by Erickson

**SB 15** concurred in and returned to the Senate: 3/7/2007  
**SB 15**, introduced by J. Tropila

**HB 333**, introduced by McChesney and **Transmitted** to the **Senate** for Consideration of the Governor's Proposed Amendments. 3/7/2007

**MOTIONS**

**SEN. TRUDI SCHMIDT, SD 11, GREAT FALLS** moved to refer **HB 22** to Finance and Claims Committee.  
Motion carried.

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 97**, introduced by Barrett, referred to State Administration.  
**HB 98**, introduced by Franklin, referred to Public Health, Welfare and Safety.  
**HB 113**, introduced by McChesney, referred to Business, Labor, and Economic Affairs.  
**HB 176**, introduced by Wilmer, referred to Agriculture, Livestock and Irrigation.  
**HB 205**, introduced by Everett, referred to Natural Resources and Energy.  
**HB 259**, introduced by Reinhart, referred to Natural Resources and Energy.  
**HB 332**, introduced by Thomas, referred to Highways and Transportation.  
**HB 364**, introduced by Malcolm, referred to Fish and Game.  
**HB 372**, introduced by Ingraham, referred to State Administration.  
**HB 378**, introduced by Windy Boy, referred to Business, Labor, and Economic Affairs.  
**HB 383**, introduced by Kerns, referred to Natural Resources and Energy.  
**HB 400**, introduced by Villa, referred to Local Government.

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**HB 440**, introduced by Barrett, referred to Fish and Game.  
**HB 442**, introduced by Phillips, referred to Finance and Claims.  
**HB 452**, introduced by Kottel, referred to Judiciary.  
**HB 455**, introduced by Stoker, referred to Judiciary.  
**HB 456**, introduced by McNutt, referred to Local Government.  
**HB 460**, introduced by Keane, referred to Natural Resources and Energy.  
**HB 464**, introduced by K. Peterson, referred to Judiciary.  
**HB 491**, introduced by Sinrud, referred to Judiciary.  
**HB 492**, introduced by Himmelberger, referred to Taxation.  
**HB 514**, introduced by Caferro, referred to Judiciary.  
**HB 524**, introduced by Hamilton, referred to Local Government.  
**HB 537**, introduced by Ripley, referred to Business, Labor, and Economic Affairs.  
**HB 555**, introduced by Grinde, referred to Natural Resources and Energy.  
**HB 559**, introduced by Heinert, referred to Taxation.  
**HB 570**, introduced by Cohenour, referred to State Administration.  
**HB 587**, introduced by Himmelberger, referred to Judiciary.  
**HB 596**, introduced by Sands, referred to Local Government.  
**HB 609**, introduced by Hamilton, referred to Education and Cultural Resources.  
**HB 618**, introduced by Sinrud, referred to Finance and Claims.  
**HB 623**, introduced by Olson, referred to Taxation.  
**HB 634**, introduced by Van Dyk, referred to Finance and Claims.  
**HB 636**, introduced by Bixby, referred to Judiciary.  
**HB 641**, introduced by Musgrove, referred to Judiciary.  
**HB 657**, introduced by Ebinger, referred to Judiciary.  
**HB 662**, introduced by Villa, referred to Local Government.  
**HB 668**, introduced by Stahl, referred to Business, Labor, and Economic Affairs.  
**HB 681**, introduced by Driscoll, referred to Natural Resources and Energy.  
**HB 683**, introduced by Reinhart, referred to Judiciary.  
**HB 690**, introduced by Bergren, referred to State Administration.  
**HB 724**, introduced by Furey, referred to Business, Labor, and Economic Affairs.  
**HB 116**, introduced by Ripley, referred to Finance and Claims.  
**HB 283**, introduced by Campbell, referred to Finance and Claims.  
**HB 412**, introduced by Ebinger, referred to Business, Labor, and Economic Affairs.  
**HB 466**, introduced by Jore, referred to Judiciary.  
**HB 531**, introduced by Lambert, referred to Highways and Transportation.  
**HB 608**, introduced by Olson, referred to Finance and Claims.  
**HB 617**, introduced by Sinrud, referred to Judiciary.  
**HB 629**, introduced by Hamilton, referred to Judiciary.  
**HB 664**, introduced by Keane, referred to Natural Resources and Energy.  
**HB 679**, introduced by Sales, referred to State Administration.  
**HB 687**, introduced by W. Jones, referred to Public Health, Welfare and Safety.  
**HB 689**, introduced by Olson, referred to Natural Resources and Energy.  
**HB 703**, introduced by Ripley, referred to Natural Resources and Energy.  
**HB 706**, introduced by Caferro, referred to State Administration.  
**HB 713**, introduced by McGillvray, referred to Public Health, Welfare and Safety.  
**HB 715**, introduced by Olson, referred to Natural Resources and Energy.  
**HB 717**, introduced by Stahl, referred to Fish and Game.  
**HB 723**, introduced by Arntzen, referred to Judiciary.  
**HB 727**, introduced by Lange, referred to Public Health, Welfare and Safety.

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**HB 729**, introduced by Raser, referred to State Administration.  
**HB 738**, introduced by Mendenhall, referred to Business, Labor, and Economic Affairs.  
**HB 739**, introduced by Olson, referred to Natural Resources and Energy.  
**HB 741**, introduced by L. Jones, referred to Business, Labor, and Economic Affairs.  
**HB 742**, introduced by Raser, referred to Judiciary.  
**HB 743**, introduced by Clark, referred to Public Health, Welfare and Safety.  
**HB 744**, introduced by Rice, referred to Education and Cultural Resources.  
**HB 748**, introduced by Sonju, referred to Taxation.  
**HB 755**, introduced by Keane, referred to Business, Labor, and Economic Affairs.  
**HB 756**, introduced by L. Jones, referred to Business, Labor, and Economic Affairs.  
**HB 759**, introduced by Hendrick, referred to Fish and Game.  
**HB 764**, introduced by Milburn, referred to Business, Labor, and Economic Affairs.  
**HB 765**, introduced by Olson, referred to State Administration.  
**HB 770**, introduced by Pomnichowski, referred to Business, Labor, and Economic Affairs.  
**HB 771**, introduced by W. Jones, referred to State Administration.  
**HB 781**, introduced by Windy Boy, referred to Judiciary.  
**HB 785**, introduced by Lange, referred to Business, Labor, and Economic Affairs.  
**HB 786**, introduced by Blasdel, referred to Business, Labor, and Economic Affairs.  
**HB 789**, introduced by Campbell, referred to State Administration.  
**HB 791**, introduced by Kasten, referred to Finance and Claims.  
**HB 803**, introduced by Himmelberger, referred to State Administration.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Essmann in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 72** - Senator Brown moved **HB 72** be concurred. Motion carried with Senator O'Neil, Balyeat, Shockley voting nay.

**HB 115** - Senator Jent moved **HB 115** be concurred. Motion carried unanimously.

**HB 127** - Senator Black moved **HB 127** be concurred. Motion carried unanimously.

**HB 219** - Senator Hawks moved **HB 219** be concurred. Motion carried unanimously.

**HB 22** - Senator Gillan moved **HB 22** be concurred. Motion carried unanimously.

**HB 292** - Senator Jent moved **HB 292** be concurred. Motion carried unanimously.

**HB 44** - Senator Essmann moved **HB 44** be concurred. Motion carried with Senator M. Tropila, J. Tropila, Ryan voting nay.

**HB 419** - Senator Gebhardt moved **HB 419** be concurred. Motion carried unanimously.

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed.

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President Cooney in the chair. Chairman Essmann moved the Committee of the Whole report be adopted.  
Report adopted unanimously.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 431** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 47

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Elliott, Stapleton, Tash.  
Total 3

**HJR 6** concurred in as follows:

Yeas: Black, Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Shockley, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 30

Nays: Bales, Balyeat, Barkus, Brown, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Stapleton, Steinbeisser, Story, Tash.  
Total 20

Paired: Elliott, Gallus, Larson, Ayes; Barkus, Stapleton, Tash, Noes.

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 122** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 45

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Nays: Brown, Essmann.  
Total 2

Absent or not voting: None.  
Total 0

Excused: Elliott, Stapleton, Tash.  
Total 3

**HB 126** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, J.Tropila, M.Tropila, Wanzonried, Weinberg, Williams, Mr. President.  
Total 47

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Elliott, Stapleton, Tash.  
Total 3

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1:00 p.m., Friday, March 9, 2007. Motion carried.

Senate adjourned at 2:02 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

**SENATE JOURNAL  
60TH LEGISLATURE  
FIFTIETH LEGISLATIVE DAY**

Helena, Montana  
March 9, 2007

Senate Chambers  
State Capitol

Senate convened at 1:00 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call: Senators Gillan, Cobb excused. All members present. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Gallus, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 41

Nays: Balyeat, Esp, Essmann, Gebhardt, Jackson, O'Neil, Shockley.

Total 7

Absent or not voting: None.

Total 0

Excused: Cobb, Gillan.

Total 2

The Senate presented the following proclamation to the Montana National Guard for its 120th birthday:

**WHEREAS**, the Montana National Guard will celebrate its 120<sup>th</sup> Birthday on March 10, 2007; and

**WHEREAS**, on this date in 1887 the organization of the Montana National Guard was effected under a Territorial Legislative Act entitled "An Act to Organize and Regulate the Militia Approval March 10, 1887"; and

**WHEREAS**, two years earlier, House Bill No. 20 was passed authorizing the organization of a National Guard for the Territory; and

**WHEREAS**, the Montana National Guard has served the United States during the Philippine Insurrection in the Spanish-American War, the Mexican Border Incident of 1916, World Wars I & II, Operation Desert Storm and now Operations Noble Eagle, Enduring Freedom and Iraqi Freedom; and

**WHEREAS**, there have been numerous other Federal operations including deployments to Bosnia, Macedonia, Kuwait, Somalia and numerous other smaller deployments; and

**WHEREAS**, the Montana Air National Guard came into being on June 27, 1947, when the 186<sup>th</sup> Fighter Squadron was formed, and the 186<sup>th</sup> later transformed into the 120<sup>th</sup> Fighter Wing, and

**WHEREAS**, the Montana National Guard has provided support to the citizens of Montana to deal with state emergencies and natural disaster; and

**WHEREAS**, of its approximately 3,500 members, the Montana National Guard has deployed over 80% of its Soldiers and Airman serving on Federal active duty in the United States and around the world.



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**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA;** That the Senate of the State of Montana, on this 10<sup>th</sup> day of March, 2007, hereby expresses our deepest appreciation to our Montana National Guard Soldiers and Airman on their 120<sup>th</sup> birthday and our deepest thanks to the families of these soldiers and airman for the sacrifices they make.

**REPORTS OF SELECT COMMITTEES**

The Committee on Committees has made the following appointments effective immediately, as authorized by statute:

**Legislative Consumer Committee**

Senator Joe Tropila  
Senator Terry Murphy

**Environmental Quality Council**

Senator Dan McGee  
Senator Jim Shockley  
Senator Bob Story  
Senator David Wanzenried  
Senator Bob Hawks  
Senator Christine Kaufmann

**REPORTS OF STANDING COMMITTEES**

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Cocchiarella, Chairman): 3/9/2007  
**HB 65**, be concurred in. Report adopted.  
**HB 156**, be concurred in. Report adopted.  
**HB 244**, be concurred in. Report adopted.

**FISH AND GAME** (Tropila, Chairman): 3/9/2007  
**HB 264**, be concurred in. Report adopted.

**HIGHWAYS AND TRANSPORTATION** (Pease, Chairman): 3/9/2007  
**HB 31**, be amended as follows:

1. Title, line 8.

**Following:** "~~FEES~~;"

**Insert:** "INCREASING CONSUMER AND MANUFACTURER ARBITRATION FILING FEES;"

2. Title, line 8.

**Strike:** "SECTION"

**Insert:** "SECTIONS"

3. Title, line 8.

**Following:** "~~AND 61-4-517~~"

**Insert:** "AND 61-4-517"

4. Page 2.

**Following:** line 29

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**Insert: "Section 2.** Section 61-4-517, MCA, is amended to read:

**"61-4-517. Implementation of arbitration.** (1) A consumer may initiate a request for arbitration by filing a notice with the department. The consumer shall file, on a form prescribed by the department, any information considered relevant to the resolution of the dispute and shall return the form, along with a ~~\$50~~ \$100 filing fee, within 5 days after receiving the form. The form must offer the consumer the choice of presenting any subsequent testimony orally or in writing, but not both.

(2) The department shall determine whether the complaint alleges the violation of any applicable warranty under this part. If the department determines that a complaint does not allege a warranty violation, it shall refund the filing fee.

(3) Upon acceptance of a complaint, the department shall notify the manufacturer of the filing of a request for arbitration and shall obtain from the manufacturer, on a form prescribed by the department, any information considered relevant to the resolution of the dispute. The manufacturer shall return the form within 15 days of receipt, with a filing fee of ~~\$250~~ \$750.

(4) Fees collected under this section must be deposited in a special revenue account for the use of the department in administering this part.

(5) The manufacturer's fee provided in subsection (3) is due only if the department's arbitration procedures are used."

**Renumber:** subsequent section

And, as amended, be concurred in. Report adopted.

**HB 143**, be concurred in. Report adopted.

**HB 334**, be concurred in. Report adopted.

**JUDICIARY** (Laslovich, Chairman):

3/9/2007

**HB 20**, be concurred in. Report adopted.

**HB 149**, be amended as follows:

1. Title, line 5.

**Strike:** "\$350,000"

**Insert:** "\$250,000"

2. Page 1, line 11.

**Strike:** "\$350,000"

**Insert:** "\$250,000"

And, as amended, be concurred in. Report adopted.

**LOCAL GOVERNMENT** (Gillan, Chairman):

3/9/2007

**HB 145**, be concurred in. Report adopted.

**HB 290**, be concurred in. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

**House bill** passed and transmitted to the Senate for concurrence:

3/8/2007

**HB 96**, introduced by Kerns

**House joint resolution** passed and transmitted to the Senate for concurrence:

3/8/2007

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**HJR 28**, introduced by Cohenour

**House joint resolution** passed and transmitted to the Senate for concurrence:

3/8/2007

**HJR 43**, introduced by Rice

**MESSAGES FROM THE GOVERNOR**

On Thursday, March 1, 2007, **HB 121** introduced by Rep. McChesney was delivered to the Secretary of State.

**MOTIONS**

**SEN. MITCH TROPILA, SD 12, GREAT FALLS** moved to change his vote from "yes" to "no". Motion carried.

**SEN. LYNDA MOSS, SD 26, BILLINGS** moved **SB 345** and **SB 201** be re-referred to the Local Government Committee. Motion carried.

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bill was introduced, read first time, and referred to committee:

**SB 549**, introduced by Story, referred to Taxation.

The following House bills were introduced, read first time, and referred to committees:

**HB 35**, introduced by Keane, referred to Judiciary.  
**HB 37**, introduced by Reinhart, referred to Natural Resources and Energy.  
**HB 40**, introduced by Gallik, referred to Taxation.  
**HB 58**, introduced by Keane, referred to Business, Labor, and Economic Affairs.  
**HB 77**, introduced by Clark, referred to Public Health, Welfare and Safety.  
**HB 105**, introduced by Windy Boy, referred to State Administration.  
**HB 112**, introduced by Arntzen, referred to Local Government.  
**HB 154**, introduced by Clark, referred to Public Health, Welfare and Safety.  
**HB 198**, introduced by W. Jones, referred to Public Health, Welfare and Safety.  
**HB 214**, introduced by Windy Boy, referred to Finance and Claims.  
**HB 235**, introduced by Dutton, referred to Local Government.  
**HB 253**, introduced by Ross, referred to State Administration.  
**HB 256**, introduced by Lake, referred to Judiciary.  
**HB 265**, introduced by Ebinger, referred to Local Government.  
**HB 300**, introduced by Gallik, referred to Judiciary.  
**HB 305**, introduced by Thomas, referred to Judiciary.  
**HB 310**, introduced by Dutton, referred to Judiciary.  
**HB 337**, introduced by Cohenour, referred to Taxation.  
**HB 341**, introduced by Gallik, referred to Judiciary.  
**HB 397**, introduced by Ward, referred to Judiciary.  
**HB 414**, introduced by Reinhart, referred to Public Health, Welfare and Safety.  
**HB 426**, introduced by Ross, referred to Local Government.  
**HB 450**, introduced by Pomnichowski, referred to Fish and Game.

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**HB 459**, introduced by Heinert, referred to Public Health, Welfare and Safety.  
**HB 467**, introduced by K. Peterson, referred to Judiciary.  
**HB 468**, introduced by McGillvray, referred to Judiciary.  
**HB 487**, introduced by Hiner, referred to State Administration.  
**HB 490**, introduced by French, referred to Taxation.  
**HB 496**, introduced by French, referred to Business, Labor, and Economic Affairs.  
**HB 503**, introduced by Gallik, referred to Agriculture, Livestock and Irrigation.  
**HB 510**, introduced by Stahl, referred to Local Government.  
**HB 521**, introduced by Arntzen, referred to Judiciary.  
**HB 579**, introduced by Olson, referred to Judiciary.  
**HB 585**, introduced by Keane, referred to Judiciary.  
**HB 594**, introduced by Stahl, referred to Education and Cultural Resources.  
**HB 616**, introduced by McChesney, referred to Business, Labor, and Economic Affairs.  
**HB 633**, introduced by Dutton, referred to Business, Labor, and Economic Affairs.

The following House joint resolutions were introduced, read first time, and referred to committees:

**HJR 5**, introduced by Lange, referred to Natural Resources and Energy.  
**HJR 8**, introduced by Hendrick, referred to Natural Resources and Energy.  
**HJR 13**, introduced by Ankney, referred to Natural Resources and Energy.  
**HJR 16**, introduced by Ripley, referred to Natural Resources and Energy.  
**HJR 19**, introduced by Morgan, referred to Public Health, Welfare and Safety.

The following Senate bill was introduced, read first time, and referred to committee:

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Kaufmann in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 333 - Governor's Amendments** - Senator Larson moved Governor's amendments to **HB 333** be concurred in. Motion carried unanimously.

**HB 18** - Senator Jent moved **HB 18** be concurred in. Motion carried unanimously.

**HB 402** - Senator Shockley moved **HB 402** be concurred in. Motion carried with Senator O'Neil, Brown voting nay.

**HB 162** - Senator Jent moved **HB 162** be concurred in. Motion carried unanimously.

**HB 48** - Senator McGee moved **HB 48** be concurred in. Motion carried unanimously.

**HB 46** - Senator J. Tropila moved **HB 46** be concurred in. Motion carried unanimously.

**HB 274** - Senator Black moved **HB 274** be concurred in. Motion carried unanimously.

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**HB 158** - Senator Steinbeisser moved **HB 158** be concurred in. Motion carried unanimously.

**HB 106** - Senator Brueggeman moved **HB 106** be concurred in. Motion carried with Senator Story voting nay.

**HB 76** - Senator Cocchiarella moved **HB 76** be concurred in. Motion carried unanimously.

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Kaufmann moved the Committee of the Whole report be adopted. Report adopted unanimously.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 72** concurred in as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 45

Nays: Balyeat, O'Neil, Shockley.  
Total 3

Absent or not voting: None.  
Total 0

Excused: Cobb, Gillan.  
Total 2

**HB 115** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 46

Nays: Brown, McGee.  
Total 2

Absent or not voting: None.  
Total 0

Excused: Cobb, Gillan.  
Total 2

**HB 127** concurred in as follows:

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Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 48

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Cobb, Gillan.  
Total 2

**HB 219** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 47

Nays: O'Neil.  
Total 1

Absent or not voting: None.  
Total 0

Excused: Cobb, Gillan.  
Total 2

**HB 292** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 48

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Cobb, Gillan.  
Total 2

**HB 44** concurred in as follows:

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Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 45

Nays: Lind, Ryan, J.Tropila.  
Total 3

Absent or not voting: None.  
Total 0

Excused: Cobb, Gillan.  
Total 2

**HB 419** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 47

Nays: Gallus.  
Total 1

Absent or not voting: None.  
Total 0

Excused: Cobb, Gillan.  
Total 2

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 8:00 a.m., Saturday, March 10, 2007. Motion carried.

Senate adjourned at 2:04 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

**SENATE JOURNAL  
60TH LEGISLATURE  
FIFTY-FIRST LEGISLATIVE DAY**

Helena, Montana  
March 10, 2007

Senate Chambers  
State Capitol

Senate convened at 8:00 a.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. Senators Balyeat, Cobb, Gillan, Peterson excused. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 40

Nays: Essmann, Gebhardt, Jackson, McGee, O'Neil, Shockley.

Total 6

Absent or not voting: None.

Total 0

Excused: Balyeat, Cobb, Gillan, Peterson.

Total 4

**MESSAGES FROM THE OTHER HOUSE**

**Senate bill** concurred in and returned to the Senate: 3/9/2007

**SB 10**, introduced by Harrington

**Senate bill** concurred in and returned to the Senate: 3/9/2007

**SB 11**, introduced by Cocchiarella

**Senate bill** concurred in and returned to the Senate: 3/9/2007

**SB 35**, introduced by J. Tropila

**House bill** passed and transmitted to the Senate for concurrence: 3/9/2007

**HB 284**, introduced by Augare

**House bill** passed and transmitted to the Senate for concurrence: 3/9/2007

**HB 407**, introduced by Vincent

**House bill** passed and transmitted to the Senate for concurrence: 3/9/2007

**HB 737**, introduced by Hilbert



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**House bill** passed and transmitted to the Senate for concurrence:

3/9/2007

**HB 778**, introduced by Stahl

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bill was introduced, read first time, and referred to committee:

**SB 550**, introduced by Laible, referred to Taxation Committee.

President of the Senate

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Murphy in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 255** - Senator Esp moved **HB 255** be concurred in. Motion carried unanimously.

**HB 137** - Senator Black moved consideration of **HB 137** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**HB 226** - Senator Jent moved **HB 226** be concurred in. Motion carried unanimously.

**HB 156** - Senator Cocchiarella moved **HB 156** be concurred in. Motion carried as follows:

Yeas: Bales, Black, Brown, Cocchiarella, Elliott, Esp, Essmann, Gebhardt, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 32

Nays: Barkus, Brueggeman, Curtiss, Gallus, Jackson, Lewis, McGee, Murphy, O'Neil, Perry, Shockley, Stapleton, Steinbeisser, Tash.  
Total 14

Absent or not voting: None.  
Total 0

Excused: Balyeat, Cobb, Gillan, Peterson.  
Total 4

**HB 290** - Senator M. Tropila moved **HB 290** be concurred in. Motion carried unanimously.

**HB 137** - Senator Black moved **HB 137** be concurred in. Motion carried as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Cocchiarella, Curtiss, Elliott, Essmann, Hansen, Harrington, Hawks,

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Jackson, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 38

Nays: Brown, Esp, Gallus, Gebhardt, Juneau, McGee, O'Neil, Shockley.

Total 8

Absent or not voting: None.

Total 0

Excused: Balyeat, Cobb, Gillan, Peterson.

Total 4

**HB 111** - Senator Esp moved **HB 111** be concurred in. Motion carried unanimously.

**HB 38** - Senator Jent moved **HB 38** be concurred in. Motion carried unanimously.

**HB 82** - Senator Perry moved **HB 82** be concurred in. Motion carried unanimously.

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Murphy moved the Committee of the Whole report be adopted. Report adopted unanimously.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 333** Governor's amendments concurred in as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Cocchiarella, Curtiss, Essmann, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, O'Neil, Pease, Perry, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Weinberg, Williams, Mr. President.

Total 40

Nays: Brown, Esp, Lind, McGee, Wanzenried.

Total 5

Absent or not voting: Elliott.

Total 1

Excused: Balyeat, Cobb, Gillan, Peterson.

Total 4

**HB 18** concurred in as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind,

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McGee, Moss, Murphy, O'Neil, Pease, Perry, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 46

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Balyeat, Cobb, Gillan, Peterson.

Total 4

**HB 162** concurred in as follows:

Yeas: Bales, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 45

Nays: Barkus.

Total 1

Absent or not voting: None.

Total 0

Excused: Balyeat, Cobb, Gillan, Peterson.

Total 4

**HB 48** concurred in as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 45

Nays: Esp.

Total 1

Absent or not voting: None.

Total 0

Excused: Balyeat, Cobb, Gillan, Peterson.

Total 4

**HB 46** concurred in as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser,

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Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 46

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Balyeat, Cobb, Gillan, Peterson.  
Total 4

**HB 274** concurred in as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 46

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Balyeat, Cobb, Gillan, Peterson.  
Total 4

**HB 158** concurred in as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 46

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Balyeat, Cobb, Gillan, Peterson.  
Total 4

**HB 106** concurred in as follows:

Yeas: Bales, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila,

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Wanzenried, Weinberg, Williams, Mr. President.  
Total 42

Nays: Barkus, Black, Essmann, Story.  
Total 4

Absent or not voting: None.  
Total 0

Excused: Balyeat, Cobb, Gillan, Peterson.  
Total 4

**HB 76** concurred in as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 46

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Balyeat, Cobb, Gillan, Peterson.  
Total 4

**HB 402** concurred in as follows:

Yeas: Bales, Black, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 40

Nays: Balyeat, Barkus, Brown, Essmann, Gebhardt, McGee, O'Neil.  
Total 7

Paired: Jent, Aye; Balyeat, No.

Absent or not voting: None.  
Total 0

Excused: Cobb, Gillan, Peterson.  
Total 3

**ANNOUNCEMENTS**

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FIFTY-FIRST LEGISLATIVE DAY - MARCH 10, 2007

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1:00 p.m., Monday, March 12, 2007. Motion carried.

Senate adjourned at 9:24 a.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY

**SENATE JOURNAL  
60TH LEGISLATURE  
FIFTY-SECOND LEGISLATIVE DAY**

Helena, Montana  
March 12, 2007

Senate Chambers  
State Capitol

Senate convened at 1:00 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 43

Nays: Balyeat, Essmann, Gebhardt, Jackson, McGee, O'Neil, Shockley.

Total 7

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**REPORTS OF STANDING COMMITTEES**

**PUBLIC HEALTH, WELFARE AND SAFETY** (Weinberg, Chairman):

3/12/2007

**HB 144**, be concurred in. Report adopted.

**HB 449**, be concurred in. Report adopted.

**FINANCE AND CLAIMS** (Schmidt, Chairman):

3/12/2007

**HB 13**, be concurred in. Report adopted.

**NATURAL RESOURCES AND ENERGY** (Lind, Chairman):

3/12/2007

**HJR 20**, be concurred in as amended as follows:

1. Page 1, line 26.

**Following:** "estimate a"

**Insert:** "minimum"

And, as amended, be concurred in. Report adopted.

**STATE ADMINISTRATION** (Squires, Chairman):

3/12/2007

**HB 51**, be concurred in. Report adopted.

**HB 62**, be concurred in. Report adopted.

**HB 67**, be concurred in. Report adopted.

SENATE JOURNAL  
FIFTY-SECOND LEGISLATIVE DAY - MARCH 12, 2007

**MESSAGES FROM THE OTHER HOUSE**

**Senate bill** passed and transmitted to the Senate for concurrence: 3/12/2007

**SB 20**, introduced by Shockley

**Senate bill** passed and transmitted to the Senate for concurrence: 3/12/2007

**SB 39**, introduced by Brown

**Senate bill** passed and transmitted to the Senate for concurrence: 3/12/2007

**SB 40**, introduced by Cocchiarella

**Senate bill** passed and transmitted to the Senate for concurrence: 3/12/2007

**SB 101**, introduced by Jent

**MOTIONS**

**SEN. JERRY O'NEIL, SD 3, COLUMBIA FALLS** moved his vote on **HB 156** be changed from "yes" to "no".  
Motion carried.

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 497**, introduced by Pomnichowski, referred to Business, Labor, and Economic Affairs.

**HB 678**, introduced by Lange, referred to Education and Cultural Resources.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Moss in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 84** - Senator Shockley moved **HB 84** be concurred in. Motion carried unanimously.

**HB 20** - Senator Shockley moved **HB 20** be concurred in. Motion carried unanimously.

**HB 143** - Senator Brueggeman moved **HB 143** be concurred in. Motion carried unanimously.

**HB 334** - Senator Smith moved **HB 334** be concurred in. Motion carried unanimously.

**HB 264** - Senator Barkus moved **HB 264** be concurred in. Motion carried unanimously.



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**HB 94** - Senator M. Tropila moved **HB 94** be concurred in. Motion carried unanimously.

**HB 167** - Senator Gebhardt moved **HB 167** be concurred in. Motion carried unanimously.

**HB 43** - Senator Essmann moved **HB 43** be concurred in. Motion carried unanimously.

**HB 31** - Senator Cocchiarella moved consideration of **HB 31** be passed for the day. Motion carried.

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Moss moved the Committee of the Whole report be adopted. Report adopted unanimously.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 255** be concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 47

Nays: Cobb, Gallus, Larson.  
Total 3

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 111** be concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.

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Total 0

**HB 38** be concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 82** be concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 226** be concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

SENATE JOURNAL  
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Excused: None.  
Total 0

**HB 156** be concurred in as follows:

Yeas: Bales, Balyeat, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lind, Moss, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 41

Nays: Barkus, Curtiss, Lewis, McGee, Murphy, O'Neil, Stapleton, Steinbeisser, Tash.  
Total 9

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 290** be concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 137** be concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 43

Nays: Brown, Esp, Gebhardt, Juneau, McGee, O'Neil, Shockley.  
Total 7

Absent or not voting: None.  
Total 0

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Excused: None.  
Total 0

**LEGISLATIVE ADMINISTRATION** (Smith, Chairman):

3/12/2007

MR. PRESIDENT:

We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 9:00 a.m., Saturday, March 10, 2007:

TITLE

NAME

Pages:

Jillisa Stewart, Dillon  
Janell Zerbe, Lustre  
Kevin Knudson, Harlowton  
Shalaine Watson, Forsyth  
Creede Caldwell, Helena  
Spencer Bold, Winifred  
Roy Brown Jr., Billings

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, March 12, 2007:

TITLE

NAME

Pages:

Tamara Ruffatto, Brockton  
Brandon Norick, Columbia Falls  
Alexandra Hurley, Anaconda  
Frances Eagleman, Havre  
Ashley Sue Ames, Helena  
Robin Patrick, Hingham

Report Adopted.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1:00 p.m., Tuesday, March 13, 2007. Motion carried.

Senate adjourned at 2:00 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

**SENATE JOURNAL  
60TH LEGISLATURE  
FIFTY-THIRD LEGISLATIVE DAY**

Helena, Montana  
March 13, 2007

Senate Chambers  
State Capitol

Senate convened at 1:00 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. Senator Shockley excused. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 41

Nays: Balyeat, Essmann, Gebhardt, Jackson, Lind, McGee, Murphy, O'Neil.

Total 8

Absent or not voting: None.

Total 0

Excused: Shockley.

Total 1

**MOTIONS**

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** moved the Senate to recess for Democrat caucus. **SEN. COREY STAPLETON, SD 27, BILLINGS** moved the Republicans to recess for caucus. Motions carried.

Senate reconvened at 1:36 p.m.

Roll Call: Senator Elliott excused. Quorum present.

Yeas: Bales, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Gallus, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 36

Nays: Balyeat, Barkus, Esp, Essmann, Gebhardt, Gillan, Jackson, Lind, McGee, Murphy, O'Neil, Shockley, Stapleton.

Total 13

Absent or not voting: None.

Total 0

Excused: Elliott.

Total 1

SENATE JOURNAL  
FIFTY-THIRD LEGISLATIVE DAY - MARCH 13, 2007

**REPORTS OF STANDING COMMITTEES**

<b>BUSINESS, LABOR, AND ECONOMIC AFFAIRS</b> (Cocchiarella, Chairman): <b>HB 286</b> , be concurred in. Report adopted.	3/13/2007
<b>FINANCE AND CLAIMS</b> (Schmidt, Chairman): <b>HB 90</b> , be concurred in. Report adopted.	3/13/2007
<b>JUDICIARY</b> (Laslovich, Chairman): <b>HB 190</b> , be concurred in. Report adopted.	3/13/2007
<b>STATE ADMINISTRATION</b> (Squires, Chairman): <b>HB 70</b> , be concurred in. Report adopted. <b>HB 81</b> , be concurred in. Report adopted. <b>HB 87</b> , be concurred in. Report adopted.	3/13/2007

**MESSAGES FROM THE OTHER HOUSE**

<b>Senate bill</b> passed and transmitted to the Senate for concurrence:  <b>SB 32</b> , introduced by Schmidt	3/12/2007
<b>Senate bill</b> passed and transmitted to the Senate for concurrence:  <b>SB 43</b> , introduced by M. Tropila	3/12/2007
<b>Senate bill</b> passed and transmitted to the Senate for concurrence:  <b>SB 53</b> , introduced by Cocchiarella	3/12/2007
<b>Senate bill</b> passed and transmitted to the Senate for concurrence:  <b>SB 54</b> , introduced by Cocchiarella	3/12/2007
<b>Senate bill</b> passed and transmitted to the Senate for concurrence:  <b>SB 70</b> , introduced by J. Tropila	3/12/2007
<b>Senate bill</b> passed and transmitted to the Senate for concurrence:  <b>SB 72</b> , introduced by Squires	3/12/2007
<b>Senate bill</b> passed and transmitted to the Senate for concurrence:  <b>SB 90</b> , introduced by Laslovich	3/12/2007
<b>Senate bill</b> passed and transmitted to the Senate for concurrence:	3/12/2007

SENATE JOURNAL  
FIFTY-THIRD LEGISLATIVE DAY - MARCH 13, 2007

**SB 97**, introduced by Cocchiarella

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 551**, introduced by Bales, Lambert, Gebhardt, Black, Esp, Essmann, referred to Taxation.

**SB 552**, introduced by Harrington, referred to Taxation.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Barkus in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 62** - Senator Lewis moved **HB 62** be concurred in. Motion carried unanimously.

**HB 13** - Senator Cobb moved **HB 13**, second reading copy, be amended as follows:

1. Page 10, line 10.

**Following:** "progression"

**Strike:** " "

**Insert:** "and"

**Following:** "performance"

**Strike:** " "

Amendment **not** adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 24

Nays: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 26

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 13** - Senator Brown moved **HB 13**, second reading copy, be amended as follows:

1. Title, line 10.

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**Strike:** "WITH SALARIES BASED UPON THE BROADBAND PAY PLAN"

2. Page 16, lines 28 and 29.

**Strike:** "within" on line 28 through "(4)" on line 29

**Insert:** ", as of the first full pay period in fiscal year 2008, based on an hourly rate of \$25.995"

3. Page 17, line 4 through line 8.

**Strike:** subsections (4) and (5) in their entirety

**Renumber:** subsequent subsection

4. Page 17, lines 22 and 23.

**Strike:** "within" on line 22 through "(3)" on line 23

**Insert:** ", as of the first full period of fiscal year 2008, based upon an hourly rate of \$20.67, except that the member designated as the presiding officer must receive a salary based on an hourly rate of \$21.704"

5. Page 17, line 28 through page 18, line 2.

**Strike:** subsections (3) and (4) in their entirety

Amendment **not** adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 24

Nays: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 26

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 13** - Senator Cooney moved **HB 13** be concurred in. Motion carried as follows:

Yeas: Brueggeman, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 29

Nays: Bales, Balyeat, Barkus, Black, Brown, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, McGee, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 21

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0



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**HB 65** - Senator Cocchiarella moved **HB 65** be concurred in. Motion carried with Senator Stapleton, McGee, O'Neil voting nay.

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Barkus moved the Committee of the Whole report be adopted. Report adopted. Senator McGee voting "no".

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 84** be concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 20** be concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 143** be concurred in as follows:

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Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 334** be concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 264** be concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

SENATE JOURNAL  
FIFTY-THIRD LEGISLATIVE DAY - MARCH 13, 2007

**HB 94** be concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 48

Nays: Gebhardt, McGee.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 167** be concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 48

Nays: McGee, Stapleton.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 43** be concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 48

Nays: Essmann, McGee.  
Total 2

Absent or not voting: None.  
Total 0

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Excused: None.  
Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1:00 p.m., Wednesday, March 14, 2007. Motion carried.

Senate adjourned at 2:56 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

**SENATE JOURNAL  
60TH LEGISLATURE  
FIFTY-FOURTH LEGISLATIVE DAY**

Helena, Montana  
March 14, 2007

Senate Chambers  
State Capitol

Senate convened at 1:00 p.m. President Cooney presiding. Invocation by Father Jerry Lowney.  
Pledge of Allegiance to the Flag.

Roll Call. Senators Tash and Schmidt. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Smith, Squires, Stapleton, Steinbeisser, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 39

Nays: Balyeat, Esp, Essmann, Gebhardt, Jackson, Lind, McGee, O'Neil, Shockley.  
Total 9

Absent or not voting: None.  
Total 0

Excused: Schmidt, Tash.  
Total 2

**REPORTS OF STANDING COMMITTEES**

**HIGHWAYS AND TRANSPORTATION** (Pease, Chairman): 3/14/2007  
**HB 332**, be concurred in. Report adopted.  
**HB 531**, be concurred in. Report adopted.

**TAXATION** (Elliott, Chairman): 3/14/2007  
**HB 75**, be concurred in. Report adopted.  
**HB 623**, be concurred in. Report adopted.

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Cocchiarella, Chairman): 3/14/2007  
**HB 286**, be concurred in. Report adopted.

**FISH AND GAME** (Tropila, Chairman): 3/14/2007  
**HB 193**, be amended as follows:

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1. Title, page 1, line 6.  
**Strike:** "A LICENSED"  
**Insert:** "AN"  
**Following:** "VEHICLE"  
**Insert:** "OR SNOWMOBILE"

2. Title, page 1, line 7.  
**Following:** "VEHICLE"  
**Insert:** "OR SNOWMOBILE"

3. Page 2, line 10.  
**Following:** "(iii)"  
**Strike:** "a licensed"  
**Insert:** "an"  
**Following:** "vehicle"  
**Insert:** "or snowmobile"

4. Page 2, line 11.  
**Following:** "vehicle"  
**Insert:** "or snowmobile"

And, as amended, be concurred in. Report adopted.

**MESSAGES FROM THE GOVERNOR**

Board & Commission Appointments Requiring Senate Confirmation, March 13, 2007, Page 730  
**Board of Chiropractors -- 2-15-1737**

The board consists of four members serving 3-year terms. Three members must be practicing chiropractors who have practiced chiropractic continuously in this state for at least 1 year. No two members may be graduates of the same school or college of chiropractic. One member must be a representative of the public who is not engaged in the practice of chiropractic. No member may be appointed for more than two consecutive terms.

**Dr. Thomas Fullerton, 720 2nd St E, Kalispell MT 59901**

Contact phone(s): 406-257-7463

Appointment date: 3/8/2007; Term ends: January 1, 2010

Qualification: practicing chiropractor with at least one year experience

Fullerton is a graduate of the Western States Chiropractic College and is a diplomat of the National Board of Chiropractic Examiners. A U.S. Navy veteran, he is currently in private

practice in Kalispell. Fullerton has also served on the Montana Chiropractic Association's ethics committee and is a member of the Flathead Valley Chiropractic Association.

**Coal Board -- 2-15-1821**

The board is designated as quasi-judicial and consists of seven members. Statute requires two members from impact areas, two members with expertise in education, and a balance between two geographic areas as defined in statute. The statute encourages members from business, engineering, public administration and planning.

**Mr. Thomas Kalakay, RMC, 1511 Poly Dr, Billings MT 59102**

Contact phone(s): 406-657-1101

Appointment date: 1/30/2007; Term ends: January 1, 2011

Qualification: expertise in education (District 2)

Kalakay is on the faculty of Rocky Mountain College. He completed his PhD in geology from the University of Wyoming and has held teaching positions at Montana State University-Bozeman and Vanderbilt University. He joined Rocky Mountain College's faculty in 2004.

**Ms. Julie Foley, 206 Whitaker, Missoula MT 59803**

Contact phone(s): 406-543-2810

Appointment date: 1/30/2007; Term ends: January 1, 2011

Qualification: expertise in education (District 1)

Foley earned her bachelor's degree in English literature from Cornell College in Iowa and her master's degree in education from the University of Northern Colorado. She has been a teacher for 32 years, the last 29 in Montana. Foley is a member of MEA-MFT and also serves on the board for MUST and PBS.

**Ms. Marcia Brown, 3040 Ottawa St, Butte MT 59701**

Contact phone(s): 406-494-8669

Appointment date: 1/30/2007; Term ends: January 1, 2011

Qualification: representative from business (District 1)

Brown is the chief operating officer of the National Center for Appropriate Technology. She attended the University of Montana, majoring in political science, and has worked for Montana congressional members both in Washington, D.C., and in Montana. She's a member of state and national human resource management organizations.

**Board of Crime Control -- 2-15-2006**

The board is designated as a quasi-judicial board and consists of 18 members. Statute calls for representatives of state and local law enforcement and criminal justice agencies, including agencies directly related to the prevention and control of juvenile delinquency, units of general local government, and public agencies maintaining programs to reduce and control crime and representatives of citizens and professional and community organizations, including

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organizations directly related to delinquency prevention.

**Mr. Mike Ferriter, Director Department of Corrections, Helena MT 59620**

Contact phone(s): 406-444-3930

Appointment date: 2/5/2007; Term ends: January 1, 2011

Qualification: state law enforcement

Ferriter is a corrections veteran with 29 years in the profession. He has a degree in vocational rehabilitation (emphasis on sociology and psychology) from Montana State University-Billings. He began his corrections career as a youth court officer in 1977, was a parole officer and prerelease center director and has worked for the Department of Corrections as bureau chief, division administrator and now director.

**Mr. Richard Kirn, PO Box 1267, Poplar MT 59255**

Contact phone(s): 406-768-5155 406-448-2226

Appointment date: 2/5/2007; Term ends: January 1, 2011

Qualification: tribal government representative

Kirn is a councilman for the Fort Peck Tribes. He received an associate of science degree in engineering from Dawson College and has served as a trustee of the Northeastern Montana Health Services.

**Mr. Godfrey Saunders, 8277 Cottonwood Road, Bozeman MT 59718**

Contact phone(s): 406-522-6200 406-586-4804

Appointment date: 2/5/2007; Term ends: January 1, 2011

Qualification: educator

Saunders has been principal of Bozeman High School since 1996. He received his bachelor of science degree in science education from Western Montana College and his master of science degree (counseling and education) also from Western.

**Mr. Jim Oppedahl, 1310 Lariat Rd, Helena MT 59601**

Contact phone(s): 406-431-6623

Appointment date: 2/5/2007; Term ends: January 1, 2011

Qualification: public representative

Oppedahl retired as the administrator of the Montana Supreme Court in 2006. His career with state government also included stints as the director of the Montana Board of Crime Control, administrator of the Gambling Control Division, budget office analyst and senior legislative researcher, among other duties.

**Ms. Lois Menzies, Montana Supreme Court, PO Box 203005, Helena MT 59620**

Contact phone(s): 406-841-2957

Appointment date: 2/5/2007; Term ends: January 1, 2011

Qualification: judiciary representative



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Menzies received her master degree in political science from the University of Wisconsin. She has 27 years of experience in Montana government in all three branches and currently serves as administrator of the Montana Supreme Court.

**Mr. Nickolas C. Murnion, PO Box 375, Jordan MT 59337**

Contact phone(s): 406-557-2480 406-997-2506

Appointment date: 2/5/2007; Term ends: January 1, 2009

Qualification: local law enforcement

Murnion is the Garfield County Attorney, and received his JD degree from the University of Montana. Murnion is the recipient of several awards, including the 1998 Profile in Courage Award from the John F. Kennedy Library. He's also the president of the Mid-Rivers Telephone Cooperative, Inc., and a member of the Montana Gambling Advisory Council and Consensus Council.

**Ms. Pamela B. Kennedy, PO Box 2445, Kalispell MT 59903**

Contact phone(s): 406-755-8941

Appointment date: 2/5/2007; Term ends: January 1, 2009

Qualification: local government and Youth Justice Council representative

Kennedy has been Mayor of Kalispell since 2002 and is a managing partner of Great Bear Builders, Inc. Kennedy serves as the second vice president of the Montana League of Cities and Towns, is on the board of directors for the Flathead County Peer Court and Flathead CARE, and serves as a member of the Federal Advisory Council on Juvenile Justice.

**Ms. Brenda Desmond, 1301 S 5th W, Missoula MT 59801**

Contact phone(s): 406-721-6717

Appointment date: 2/5/2007; Term ends: January 1, 2011

Qualification: judiciary representative

Desmond is the standing master for the Fourth Judicial District and also serves as chief justice for the Fort Peck Court of Appeals. She received her JD degree from the State University of New York at Buffalo. Desmond has been involved with the Missoula Youth Drug Court since 1996.

**Ms. Sherrie Matteucci, Matteucci Law Firm, 10 N 27th St Ste 310, Billings MT 59102**

Contact phone(s): 406-252-1000

Appointment date: 2/5/2007; Term ends: January 1, 2011

Qualification: public representative

Matteucci is in private law practice, and previously served as the United States Attorney for Montana. She is on the Law Enforcement Education Committee for the District of Montana and has been involved with many legal and government boards and associations.

**Ms. Tracie Small, PO Box 452, Crow Agency MT 59022**

Contact phone(s): 406-638-2867

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Appointment date: 2/5/2007; Term ends: January 1, 2011

Qualification: tribal court representative

Small is the clerk for the Crow Tribal Court. She volunteers for the Hardin Boys and Girls Club and has an applied associate degree in Native American Studies from Little Big Horn College. She has also worked as a tutor at Lodge Grass High School and Little Big Horn College.

**Mr. Steve McArthur, CCCS, 81 W Park St, Butte MT 59701**

Contact phone(s): 406-782-0417

Appointment date: 2/5/2007; Term ends: January 1, 2009

Qualification: community corrections representative

McArthur has a sociology degree (emphasis on criminal justice) from Montana State University. He has worked for Community, Counseling and Correctional Services Inc., in Butte since 1983. McArthur is a member of the Montana Correctional Association and is on the board for the Port of Montana.

**Electrical Board -- 2-15-1764**

The board consists of five members: Two members represent the public; two members are licensed electricians and one member is a master licensed electrical contractor. Members serve 5-year terms; with one term expiring on July 1 of each year.

**Ms. Dawn Achten, 4450 Vaughn Ln, Billings MT 59101**

Contact phone(s): 406-252-9298; 406-698-2244

Appointment date: 07/01/2006; Term ends: July 1, 2011

Qualification: public representative

Achten has worked in the lodging industry, and has served as an officer of the Billings Hotel-Motel Association and as a member of the Billings Chamber of Commerce and the Montana Innkeepers Association. She was elected as a trustee for the Billings School District in May of 2005.

**Board of Environmental Review -- 2-15-3502**

The board is designated as a quasi-judicial board and consists of seven members appointed by the governor. The members must be balanced by geography and have these qualifications: one member must have expertise or background in hydrology; one member must have expertise or background in local government planning; one member must have expertise or background in one of the environmental sciences; one member must have expertise or background as a county health officer or as a medical doctor.

**Ms. Heidi Kaiser, 5 Willow Run, Park City MT 59063**

Contact phone(s): 406-633-2012 406-671-1069

Appointment date: 1/23/2007; Term ends: January 1, 2011

Qualification: public member

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Kaiser is a senior geologist with Hydrometrics. She has a bachelor's degree in geology from Rocky Mountain College and a master's in land rehabilitation from Montana State University. She's also worked as a senior analyst on the North District Groundwater Program in Wyoming, as a senior geologist for ATC Associates and a hydro geologist for Remediation Technologies.

**Mr. Joseph Russell, Flathead County, 1035 1st Ave W, Kalispell MT 59901**

Contact phone(s): 406-751-8110

Appointment date: 1/23/2007; Term ends: January 1, 2011

Qualification: county health officer; Chair

Russell has been the county health officer in Flathead County since 1998. He holds a master's degree in public health from the University of Washington, after studying graduate level microbiology and chemical engineering at Montana State University and receiving a bachelor's degree from Carroll College. He is a registered sanitarian and is involved in professional and community groups.

**Mr. Larry Mires, 74 4th St N, Glasgow MT 59230**

Contact phone(s): 406-228-3937

Appointment date: 1/23/2007; Term ends: January 1, 2011

Qualification: public member

Mires spent 31 years in the classroom as a technology/industrial instructor at Glasgow High School. He has a master's degree in guidance and counseling from Northern Montana College (MSU-Northern). Mires currently serves as the executive director for the St. Mary Rehabilitation Working Group and is associated with Two Rivers Economic Growth.

**Facility Finance Authority -- 2-15-1815**

The authority is designated as a quasi-judicial board and consists of seven members who must be broadly representative of the state, balancing professional expertise and public accountability.

**Ms. Kim Greco, PO Box 1173, Helena MT 59624**

Contact phone(s): 406-444-1441 406-490-5199

Appointment date: 2/22/2007; Term ends: January 1, 2011

Qualification: public member

Greco is the Business Manager for the Laborers' International Union of North America #1686. She has held other leadership positions for the union, including Public Employee Field Representative and Field Agent. She has served on a number of labor-related trust boards, including service as a Trustee for the International Foundation of Employees Benefit Plans.

**Mr. Joe Quilici, 3040 Kossoth, Butte MT 59701**

Contact phone(s): 406-782-5772

Appointment date: 2/22/2007; Term ends: January 1, 2011

Qualification: public member

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Quilici is a longtime Butte businessman and civic leader. His service in the Montana Legislature for 30 years included numerous leadership positions and extensive experience with the state's budget and other important issues.

**Mr. David Dietrich, 401 North 31st Street, Box 7054, Billings MT 59103**

Contact phone(s): 406-255-7150

Appointment date: 2/22/2007; Term ends: January 1, 2011

Qualification: attorney

Dietrich is the principal of Dietrich & Associates, a commercial law firm, where he practices real estate and estate planning law. He has served as chair for committees of the American Bar Association and the Montana Bar Association, and has served as a director of the Montana Land Reliance. He graduated from Whitman College in Walla Walla, Washington and his law degree is from the University of Montana Law School.

**Board of Investments -- 2-15-1808**

The board is designated as a quasi-judicial board and consists of nine members. The members are: one member from the Public Employees' Retirement Board, one member from the Teachers' Retirement Board and seven members who will provide a balance of professional expertise and public interest and accountability, who are informed and experienced in the subject of investments, and who are representative of: the financial community; small business; agriculture; and labor.

**Mr. James Turcotte, 1376 Beaverhead Road, Helena MT 59602**

Contact phone(s): 406-442-5012 406-442-0113

Appointment date: 9/29/2006; Term ends: January 1, 2009

Qualification: TRS representative

Qualification: teachers' retirement board representative

Turcotte is a financial consultant with Raymond James Financial Services. He attended Carroll College and received a bachelor's degree in accounting from Montana State University-Billings. He pursued a career as a charter pilot, and worked for the state's retirement division until 1981.

**Mr. Terrill Moore 2048 Edgewood Dr, Billings MT 59101**

Contact phone(s): 406-255-5000 406-656-6231

Appointment date: 1/31/2007; Term ends: January 1, 2011

Qualification: financial representative; Chair

Moore is the Executive Vice President and Chief Financial Officer of First Interstate BancSystem Inc. At Montana State University, he majored in business administration with accounting emphasis. He is a Certified Public Accountant and is involved in faith groups and community organizations.

**Ms. Maureen Fleming, 106 Ironwood, Missoula MT 59803**

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Contact phone(s): 406-549-7901

Appointment date: 1/31/2007; Term ends: January 1, 2011

Qualification: labor representative

Fleming has been a member of the University Teachers Union at the University of Montana for 35 years. She has served as a professor of management at UM, and also served on the boards of the Montana Economic Development and Revitalization Institute, MSE and others. She has a Ph.D in industrial and counseling psychology from the University of Southern Illinois.

**Mr. Karl Englund, PO Box 8358, Missoula MT 59807**

Contact phone(s): 406-721-2729

Appointment date: 1/31/2007; Term ends: January 1, 2011

Qualification: attorney

Englund is a 1974 graduate of the University of Montana and a 1982 graduate of the University of Montana Law School. He practices labor, environmental and personal injury law. Before he went to law school, Englund worked for Senator Max Baucus and the late Senator Lee Metcalf.

**Mr. Jon Satre, 2028 Le Grande Cannon Blvd, Helena MT 59601**

Contact phone(s): 406-442-6582

Appointment date: 1/31/2007; Term ends: January 1, 2011

Qualification: business person

Satre is a partner in Gordon-Prill-Drapes. He received his bachelor's degree in American studies from Carroll College. Satre is a board member of the Helena Education Foundation and the Archie Bray Foundation.

**Board of Housing -- 2-15-1814**

The board is designated as a quasi-judicial board and consists of seven members. The members shall be informed and experienced in housing, economics, or finance.

**Ms. Susan Moyer, 15 Iris Court, Kalispell MT 59901**

Contact phone(s): 406-752-7790

Appointment date: 1/22/2007; Term ends: January 1, 2011

Qualification: public representative

Moyer retired as the community development director for the city of Kalispell. She is secretary-treasurer of the Glacier Affordable Housing Foundation and is chair of the United Way's Food and Emergency Shelter Board. She attended San Jose State.

**Mr. Bob Gauthier, 1283 Bouchard Rd, Ronan MT 59864**

Contact phone(s): 406-676-8448

Appointment date: 1/22/2007; Term ends: January 1, 2011

Qualification: public representative

Gauthier is a consultant and the chair of Eagle Bank in Polson. Previously, he was a consumer

credit counselor and the housing director for the Confederated Salish and Kootenai Tribes. Gauthier also served as a presidential appointee to the Community Development Financial Institutions Advisory Board.

**Ms. Jeanette McKee, 133 Creekside Dr, Hamilton MT 59840**

Contact phone(s): 406-363-1010 406-363-4647

Appointment date: 1/22/2007; Term ends: January 1, 2011

Qualification: public representative

McKee is a former legislator, and has served as development officer of the Montana Historical Society Foundation and as an advisor to the National Trust for Historic Preservation. She's currently a realtor in Hamilton and serves on the Daly Mansion Board. She holds a bachelor's degree in elementary education from the University of Montana.

**Board of Livestock - 2-15-3102**

The board consists of seven members who serve six-year terms. Each member must be a resident of the state and an active livestock producer. A member must be appointed upon the recommendation of the related industry and must have the following qualifications: four are cattle producers; one is a dairy producer representing the dairy and poultry industry; one is a swine producer; and one is a sheep producer.

**Mr. Stan Boone, PO Box 96, Ingomar MT 59039**

Contact phone(s): 406-354-6641

Appointment date: 3/1/2007; Term ends: March 1, 2013

Qualification: cattle producer

Boone, a cattle producer, runs 1,000 cow/calf pairs under the VX Ranch brand. From 1972-1989, he ranched near Darby, where he served as Chairman of the Ravalli County Planning Board. A member of the Montana Cattlemen's Association, he served on the Board of Directors and held the office of President. He also served on the Governor's Council for Landowner's and Sportsmen's Relations in the 1980s. Boone graduated from the University of California and is a Marine Corps veteran.

**Ms. Rebecca Weed, 13000 Springhill Rd, Belgrade MT 59714**

Contact phone(s): 406-388-4945

Appointment date: 3/1/2007; Term ends: March 1, 2013

Qualification: sheep producer

Weed and her husband have owned the Thirteen Mile Lamb and Wool Co. since 1987. She holds a bachelor's degree in geochemistry from Harvard University and a master's degree in geology from the University of Maine. She is a founding member of the Lava Lake Land and Livestock, L.L.C., and currently serves on its science and conservation advisory board. She has also been active in the Wild Farm Alliance, the Alternative Energy Resources Organization and the Organic Meat Co-op among other agriculture/conservation groups.

**Milk Control Board -- 2-15-3105**

The board is designated as a quasi-judicial board and consists of five members. A member may not be connected in any way with the production, processing, distribution, or wholesale or retail sale of milk or dairy products. A member may not have held an elective or appointive public office during the 2 years immediately preceding appointment, and a member may not hold a public office, either elective or appointive, during a term on the board. Not more than three members may be of the same political party.

**Mr. Clyde Greer, 1412 S Bozeman Ave, Bozeman MT 59715**

Contact phone(s): 406-586-5121

Appointment date: 1/22/2007; Term ends: January 1, 2011

Qualification: public representative; Independent

Greer received his undergraduate degree from Colorado State University and went to graduate school at the University of Minnesota, majoring in agriculture economics. He's a Department Head Emeritus from Montana State University, and served on MSU's agriculture economics faculty for 25 years.

**Mr. Michael Kleese, 4341 Lone Rock Schl Rd, Stevensville MT 59870**

Contact phone(s): 406-541-3284 406-777-3619

Appointment date: 1/22/2007; Term ends: January 1, 2011

Qualification: attorney; Democrat

Kleese is the state manager and state legal counsel for First American Title Insurance Company in Montana. He received his JD from Indiana University and is currently active in the Montana Land Title Association. He is a guest lecturer at the UM's School of Law and is a member of the American College of Real Estate Lawyers.

**Board of Personnel Appeals -- 2-15-1705**

The board is designated as a quasi-judicial board and consists of five members and two substitute members. Two members are required to be full-time management employees in organizations with collective bargaining units or who represent management in collective bargaining activities; two members are required to be full-time employees or elected officials of a labor union or an association recognized by the board; and one member is required to have general labor-management experience, who is the presiding officer.

**Mr. Patrick Dudley, PO Box 3300, Butte MT 59702**

Contact phone(s): 406-723-2484 406-782-3688

Appointment date: 2/22/2007; Term ends: January 1, 2011

Qualification: substitute management representative with collective bargaining experience

Dudley is the human resources director for St. James Healthcare, and has held various positions at St. James Community Hospital. He graduated from Montana State University with a B.S.

degree in microbiology.

**Mr. Steve Johnson, Missoula County, 200 W Broadway, Missoula MT 59807**

Contact phone(s): 406-258-3293 406-542-8688

Appointment date: 2/22/2007; Term ends: January 1, 2011

Qualification: management representative with collective bargaining experience

Johnson is director of human resources for Missoula County. He also served as chief of the labor and employee relations bureau for the state personnel division, and worked in the private sector as a human resource manager. He is a graduate of the University of Montana with a BA degree in political science.

**Ms. Robyn Rowe, 1023 Missouri, Deer Lodge MT 59722**

Contact phone(s): 406-442-1192 406-491-7184

Appointment date: 2/22/2007; Term ends: January 1, 2011

Qualification: full-time employee of a labor union or an association recognized by the board

Rowe is an organizer and representative for the American Federation of State, County and Municipal Employees. Her background also includes work as a corporate trainer for a company that sent her to hire and train employees at facilities throughout the U.S.

**Board of Plumbers -- 2-15-1765**

The board consists of nine members who serve 4-year terms. The members are: two master plumbers and two journeyman plumbers who are 18 years of age or older, who have been residents of this state for more than 1 year, and who have been duly licensed master or journeyman plumbers at least 5 out of the last 8 years immediately preceding their appointment; one registered professional engineer qualified in mechanical engineering; three representatives of the public who are not engaged in the business of installing or selling plumbing equipment; and one representative of the department of environmental quality, who must have experience in the regulation of drinking water systems.

**Mr. Steve Carey, PO Box 326, Frenchtown MT 59834**

Contact phone(s): 406-549-3479 406-626-4715

Appointment date: 2/14/2007; Term ends: May 4, 2007

Qualification: journeyman plumber

Carey is a journeyman plumber and received that license in 1996. He started his apprenticeship training in 1980, fulfilling those requirements in 1984, the same year he received his plumbing license. Carey worked for 4G Plumbing and Heating in Missoula prior to being elected in 2004 as business manager for Plumbers and Pipefitters Local 459.

**Board of Public Accountants -- 2-15-1756**

The seven-member board serves staggered 5-year terms and consists of: 4 certified public accountants, 1 licensed public accountant and 2 public members. The CPAs must be actively



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engaged in the profession, and have been certified for 5 years prior to appointment. These members cannot be from the same county. The LPA also must have had a valid license for 5 years prior to appointment and public members cannot be engaged in public accounting. Members cannot serve two full five-year terms, but can be reappointed after one or more years have elapsed.

**Mr. Michael Johns, PO Box 850, Deer Lodge MT 59722**

Contact phone(s): 406-846-3733

Appointment date: 11/22/2005; Term ends: July 1, 2010

Qualification: Certified Public Accountant

Johns graduated from the University of Montana with a bachelor degree in business administration/accounting emphasis. He is a member of the American Institute of Certified Public Accountants and the Montana Society of Certified Public Accountants. Johns is active in the Deer Lodge and Race Track Fire Departments, the Rialto Community Theatre and the Baghdad Shrine Center.

**Ms. Pamela K. Lynch, PO Box 1313, Plains MT 59859**

Contact phone(s): 406-826-1984

Appointment date: 11/22/2005; Term ends: July 1, 2010

Qualification: Certified Public Accountant

Lynch earned her master's degree in business administration (major study was taxation) from CSU-Sacramento. She is a self-employed CPA and has served as secretary of the Plains Planning Board. She was a CPA in California, where she was active in the Chamber of Commerce, before she moved to Montana.

**Ms. Irma Paul, 1713 Highland, Helena MT 59601**

Contact phone(s): 406-443-2524

Appointment date: 11/22/2005; Term ends: July 1, 2010

Qualification: public representative

Paul is a retired state employee and volunteers at Fort Harrison VA Hospital in addition to service on the Liberty House Foundation and the VFW auxiliary. She also served for a number of years as secretary-treasurer of the Legal Secretaries Association.

**Mr. Gary Kasper, PO Box 308, Fairfield MT 59436**

Contact phone(s): 406-467-2410

Appointment date: 8/15/2006; Term ends: July 1, 2007

Qualification: Licensed Public Accountant

Kasper was nominated by the Montana Society of Public Accountants for this slot, after having served a full five-year term on the Board of Public Accountants. He is one of the few remaining active LPAs in Montana, and will serve a partial term for this appointment. Kasper is an active member of the MSPA and the National Society of Accountants, and has also served as

chairperson of the Fairfield Public Schools Board of Trustees.

**Board of Public Education -- 2-15-1508**

The board consists of seven members who serve seven-year terms. Statute requires a geographic and political party balance.

**Ms. Patty Myers, 369 Carol Dr, Great Falls MT 59405**

Contact phone(s): 406-268-6725 406-761-0874

Appointment date: 2/12/2007; Term ends: February 1, 2014

Qualification: District 2; Democrat

Meyers is a classroom teacher in Great Falls. She has two master's degrees – one in education, curriculum and instruction, and one in technology in education, both from Lesley University in Cambridge, Massachusetts. Her undergraduate degree is from the University of Montana. Meyers has been named Montana Teacher of the Year (1998), Who's Who Among America's Teachers (2004) and Distinguished Alumna for the University of Montana (2000), among numerous other awards.

**Ms. Sharon Carroll, PO Box 463, Ekalaka MT 59324**

Contact phone(s): 406-775-8767 406-775-6642

Appointment date: 2/12/2007; Term ends: February 1, 2012

Qualification: District 2; Independent

Carroll teaches math in Ekalaka, Montana, and received her bachelor's degree from Montana State University-Bozeman. She's active in the Montana Council of Teachers of Math and is a site director of the Southeast Regional Math Contest in Miles City. She's an officer of the Ekalaka Teachers' Association and is certified in 5-12 English and math. She is active in 4-H, has served on the local hospital board and belongs to other community organizations.

**Board of Regents -- 2-15-1508**

The Board of Regents requires political and geographic balance. Each member serves a 7-year term, except for the student regent who serves from one to four years (July 1-June 30). A regent may not be a member of the Board of Public Education. The student regent must be a registered, full-time student at a unit of higher education under the jurisdiction of the regents. The student regent appointment is not subject to geographic and political balance and is to be chosen from a list of 3 students submitted by a student organization designated by the Board of Regents.

**Mr. Todd Buchanan, Buchanan Capital, 201 N Broadway, Billings MT 59101**

Contact phone(s): 406-294-3000

Appointment date: 2/12/2007; Term ends: February 1, 2014

Qualification: District 2; Independent

Buchanan is the co-owner and financial advisor with Buchanan Capital LLC in Billings. In addition to other investment experience, Buchanan was the executive director of ZooMontana.

He graduated from Montana State University-Bozeman with a bachelor of science in business marketing. Following graduation, he spent over two years with the U.S. Peace Corps in Nicaragua as a small business development specialist. Buchanan currently serves on the board of directors for the Montana Conservation Corps, Parmlly Billings Library Foundation, Downtown Billings Association, Downtown Billings Rotary and the Magic Magazine (Lee Enterprises).

**Board of Social Work Examiners and Professional Counselors -- 2-15-1744**

The board is designated as a quasi-judicial board and consists of seven members. Three members must be licensed social workers, and three must be licensed professional counselors. (A person may be appointed to the board without being licensed as a professional counselor if she or he is issued a license within 30 days after appointment.) One member must be appointed from and represent the general public and may not be engaged in social work.

**Ms. Sherry Meador, 68 Hill Brothers Rd, Clancy MT 59634**

Contact phone(s): 406-442-1531

Appointment date: 3/8/2007; Term ends: January 1, 2011

Qualification: attorney

Meador is a private practice attorney, specializing in working with nonprofit organizations and small businesses. She received her JD from the University of Montana, and worked for the Montana Supreme Court from 1996-2003. Meador helped found the state's Court Appointed Special Advocates' program for children, and has served on the 5<sup>th</sup> Judicial District's Voice for Children since 2004.

**Mr. Peter Degel, 5975 Black Bear Rd, Helena MT 59602**

Contact phone(s): 406-245-6539

Appointment date: 3/8/2007; Term ends: January 1, 2011

Qualification: licensed counselor

Degel is a licensed professional counselor, and earned a doctorate in psychology from California Coast University in 1991. He currently serves as administrator for Youth Dymanics, Inc., in Billings. Degel's previous service includes an appointment to the Mental Disabilities Board of Visitors and work with the Montana Children's Initiative and other organizations.

**Ms. Jill Thorngren, PO Box 5337, Bozeman MT 59717**

Contact phone(s): 406-994-6489

Appointment date: 3/8/2007; Term ends: January 1, 2011

Qualification: licensed counselor

Thorngren has a Ph.D in counselor education and counseling from Idaho State University, with specializations in mental health, couple and family work, career counseling and supervision. She is an associate dean with the College of education, Health and Human Development at Montana State University-Bozeman. She is a published author and presenter at the state and national level.

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**State Tax Appeals Board -- 15-2-1015**

The board consists of three members who serve six-year staggered terms.

**Mr. Doug Kaercher, 716 Summit Ave, Havre MT 59501**

Contact phone(s): 406-265-8308

Appointment date: 1/30/2007 (to commence duties March 1, 2007); Term ends: January 1, 2013

Qualification: public representative

Kaercher has served as a Hill County Commissioner since 1997. He is a past president of the Montana Association of Counties and also served on the boards of the Golden Triangle Community Mental Health Center and Bear Paw Development Corporation, as well as the Public Defender Commission. Prior to becoming a county commissioner, Kaercher was on the Havre City Council and the Hill County Study Commission, and was involved with Topflight Properties and Burnham Farms Inc. of Havre. He studied at the Helena College of Technology as an aviation maintenance technician.

**MESSAGES FROM THE OTHER HOUSE**

**House bill** passed and transmitted to the Senate for concurrence: 3/14/2007

**HB 811**, introduced by Wells

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments:

3/13/2007

**SB 21**, introduced by Larson

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments:

3/13/2007

**SB 88**, introduced by Hawks

**Senate bill** concurred in and returned to the Senate:

3/13/2007

**SB 44**, introduced by Larson

**Senate bill** concurred in and returned to the Senate:

3/13/2007

**SB 59**, introduced by Hansen

**Senate bill** concurred in and returned to the Senate:

3/13/2007

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**SB 76**, introduced by Gillan

**Senate bill** concurred in and returned to the Senate: 3/14/2007

**SB 19**, introduced by Shockley

**Senate bill** concurred in and returned to the Senate: 3/14/2007

**SB 29**, introduced by Smith

**Senate bill** concurred in and returned to the Senate: 3/14/2007

**SB 30**, introduced by Smith

**Senate bill** concurred in and returned to the Senate: 3/14/2007

**SB 62**, introduced by Cobb

**Senate bill** concurred in and returned to the Senate: 3/14/2007

**SB 73**, introduced by McGee

**Senate bill** concurred in and returned to the Senate: 3/14/2007

**SB 83**, introduced by Schmidt

**Senate bill** concurred in and returned to the Senate: 3/14/2007

**SB 84**, introduced by Elliott

**Senate bill** concurred in and returned to the Senate: 3/14/2007

**SB 85**, introduced by Schmidt

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

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**SB 553**, introduced by Black, Lind, L. Jones, Bales, Hansen, Essmann, referred to Taxation.  
**SB 554**, introduced by Essmann, referred to Taxation.

The following House bill was introduced, read first time, and referred to committee:

**HB 695**, introduced by McNutt, referred to Judiciary.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Gallus in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 286** - Senator Laslovich moved **HB 286** be concurred in. Motion carried as follows:

Yeas: Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, Story, J.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 36

Nays: Bales, Balyeat, Barkus, Brown, Esp, Essmann, Gebhardt, Jackson, McGee, O'Neil, Shockley, Stapleton, M.Tropila.  
Total 13

Absent or not voting: None.  
Total 0

Excused: Tash.  
Total 1

**HJR 20** - Senator Ryan moved **HJR 20** be concurred in. Motion carried unanimously.

**HB 244** - Senator Esp moved **HB 244** be concurred in. Motion carried unanimously.

**HB 149** - Senator Wanzenried moved **HB 149**, second reading copy, be amended as follows:

1. Title, line 5.  
**Strike:** "AND"

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2. Title, line 6.

**Following:** "MCA"

**Insert:** "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 1, line 18.

**Following:** line 17

**Insert:** "NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval."

Amendment adopted unanimously.

**HB 149** - Senator Wanzenried moved **HB 149**, as amended, be concurred in. Motion carried as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Curtiss, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 34

Nays: Bales, Balyeat, Barkus, Black, Brown, Elliott, Esp, Jackson, Jent, Laible, O'Neil, Perry, Stapleton, Steinbeisser, Story.

Total 15

Absent or not voting: None.

Total 0

Excused: Tash.

Total 1

**HB 145** - Senator Gillan moved **HB 145** be concurred in. Motion carried with Senator Hansen voting nay.

**HB 102** - Senator Moss moved **HB 102** be concurred in. Motion carried unanimously.

**HB 128** - Senator O'Neil moved **HB 128** be concurred in. Motion carried with Senator McGee voting nay.

**HB 51** - Senator Hawks moved **HB 51** be concurred in. Motion carried unanimously.

**HB 67** - Senator J. Tropila moved **HB 67** be concurred in. Motion carried unanimously.

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**HB 31** - Senator Cocchiarella moved **HB 31** be concurred in. Motion carried unanimously.

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Gallus moved the Committee of the Whole report be adopted. Report adopted unanimously.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 62** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 48

Nays: McGee.

Total 1

Absent or not voting: None.

Total 0

Excused: Tash.

Total 1

**HB 13** passed as follows:

Yeas: Brueggeman, Cocchiarella, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 31

Nays: Bales, Balyeat, Barkus, Black, Brown, Cobb, Curtiss, Elliott, Esp, Essmann, Gebhardt, Jackson, McGee, O'Neil, Perry, Shockley, Stapleton, Story, Tash.

Total 19



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Paired: Brueggeman, Aye; Tash, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 65** passed as follows:

Yeas: Bales, Balyeat, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams.

Total 44

Nays: Barkus, Curtiss, McGee, O'Neil.

Total 4

Absent or not voting: Mr. President.

Total 1

Excused: Tash.

Total 1

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1:00 p.m., Thursday, March 15, 2007. Motion carried.

Senate adjourned at 2:31 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

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60TH LEGISLATURE  
FIFTY-FIFTH LEGISLATIVE DAY**

Helena, Montana  
March 15, 2007

Senate Chambers  
State Capitol

Senate convened at 1:00 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 44

Nays: Balyeat, Gebhardt, Jackson, McGee, O'Neil, Shockley.  
Total 6

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**REPORTS OF STANDING COMMITTEES**

**AGRICULTURE, LIVESTOCK AND IRRIGATION** (Hansen, Chairman): 3/15/2007  
**HB 176**, be concurred in. Report adopted.

**EDUCATION AND CULTURAL RESOURCES** (Ryan, Chairman): 3/15/2007  
**HB 347**, be concurred in. Report adopted.

**JUDICIARY** (Laslovich, Chairman): 3/15/2007  
**HB 28**, be concurred in. Report adopted.  
**HB 83**, be concurred in. Report adopted.  
**HB 361**, be concurred in. Report adopted.

**STATE ADMINISTRATION** (Squires, Chairman): 3/15/2007  
**HB 86**, be amended as follows:

1. Page 4, line 22.  
**Strike:** "is" through "policy"  
**Insert:** "has violated state law"

And, as amended, be concurred in. Report adopted.

**HB 124**, be amended as follows:

1. Page 2, line 11.

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**Following:** "2-18-811"

**Insert:** ", including group benefit plan contracts made in partnership with the Montana university system group benefit plan"

And, as amended, be concurred in. Report adopted.

**HB 132**, be concurred in. Report adopted.

**HB 140**, be concurred in. Report adopted.

**HB 357**, be concurred in. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

**House bill** passed and transmitted to the Senate for concurrence: 3/15/2007

**HB 461**, introduced by Ebinger

**Senate bill** returned to Senate with Amendments: 3/15/2007

**SB 237**, introduced by Brueggeman

**House bill** 3rd Reading Passed as Amended by Senate 3/15/2007

**HB 111**, introduced by Furey

**Senate bill** concurred in and returned to the Senate: 3/15/2007

**SB 1**, introduced by Schmidt

**Senate bill** concurred in and returned to the Senate: 3/15/2007

**SB 82**, introduced by Brueggeman

**Senate bill** concurred in and returned to the Senate: 3/15/2007

**SB 126**, introduced by Gallus

**Senate bill** concurred in and returned to the Senate: 3/15/2007

**SB 136**, introduced by J. Tropila

**Senate bill** concurred in and returned to the Senate: 3/15/2007

**SB 187**, introduced by Bales

**Senate bill** concurred in and returned to the Senate: 3/15/2007

**SB 188**, introduced by Tash

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**MOTIONS**

**SEN. VERDELL JACKSON, SD 5, KALISPELL** moved to change his vote on **HB 286** from "yes" to "no".  
Motion carried.

**FIRST READING AND COMMITMENT OF BILLS**

The following House bill was introduced, read first time, and referred to committee:

**HB 737**, introduced by Hilbert, referred to Highways and Transportation.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Gebhardt in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 90** - Senator Brueggeman moved **HB 90** be concurred in. Motion carried with Senator Balyeat, Brown voting nay.

**HB 193** - Senator Gallus moved **HB 193** be concurred in. Motion carried unanimously.

**HB 332** - Senator Brueggeman moved **HB 332** be concurred in. Motion carried with Senator Balyeat voting nay.

**HB 531** - Senator Pease moved **HB 531** be concurred in. Motion carried unanimously.

**HB 144** - Senator Moss moved **HB 144** be concurred in. Motion carried with Senator Barkus, Esp voting nay.

**HB 449** - Senator Schmidt moved **HB 449** be concurred in. Motion carried with Senator O'Neil voting nay.

**HB 70** - Senator Laible moved **HB 70** be concurred in. Motion carried unanimously.

**HB 81** - Senator Jent moved **HB 81** be concurred in. Motion carried with Senator Barkus voting nay.

**HB 87** - Senator Laible moved **HB 87** be concurred in. Motion carried unanimously.

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Gebhardt moved the Committee of the Whole report be adopted. Report adopted unanimously.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

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**HJR 20** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: Esp.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 286** concurred in as follows:

Yeas: Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, J.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 35

Nays: Bales, Balyeat, Barkus, Brown, Esp, Essmann, Jackson, McGee, O'Neil, Shockley, Stapleton, Steinbeisser, Story, Tash, M.Tropila.

Total 15

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 244** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

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Total 0

**HB 149** concurred in as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Curtiss, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Ryan, Schmidt, Shockley, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 36

Nays: Bales, Balyeat, Barkus, Black, Brown, Elliott, Esp, O'Neil, Perry, Peterson, Stapleton, Steinbeisser, Story, Tash.

Total 14

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 145** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: Hansen.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 102** concurred in as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 46

Nays: Balyeat, Stapleton, Steinbeisser, Tash.

Total 4

Absent or not voting: None.

Total 0

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Excused: None.  
Total 0

**HB 128** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: McGee.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 51** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 67** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 31** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: Story.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 12:30 p.m., Friday, March 16, 2007. Motion carried.

Senate adjourned at 2:07 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate



**SENATE JOURNAL  
60TH LEGISLATURE  
FIFTY-SIXTH LEGISLATIVE DAY**

Helena, Montana  
March 16, 2007

Senate Chambers  
State Capitol

Senate convened at 12:30 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. Senator J. Tropila excused. Quorum present.

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 41

Nays: Balyeat, Brown, Essmann, Gebhardt, Jackson, McGee, O'Neil, Shockley.  
Total 8

Absent or not voting: None.  
Total 0

Excused: J. Tropila.  
Total 1

**REPORTS OF STANDING COMMITTEES**

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Cocchiarella, Chairman): 3/16/2007  
**HB 58**, be concurred in. Report adopted.  
**HB 378**, be concurred in. Report adopted.

**JUDICIARY** (Laslovich, Chairman): 3/16/2007  
**HB 91**, be concurred in. Report adopted.  
**HB 521**, be concurred in. Report adopted.

**LOCAL GOVERNMENT** (Gillan, Chairman): 3/16/2007  
**HB 400**, be concurred in. Report adopted.  
**HB 662**, be concurred in. Report adopted.

**TAXATION** (Elliott, Chairman): 3/16/2007  
**SB 138**, introduced bill, be amended as follows:

1. Title, line 9.

**Strike:** "APPLYING SPECIAL RULES TO CAPTIVE INSURANCE COMPANIES;"

2. Title, line 13.

**Strike:** "AMENDING SECTION 33-2-705, MCA;"

3. Page 2, line 2.

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**Strike:** "80% of the amount of the qualified dividends"

**Insert:** "the total amount of qualified dividends allowed as a deduction for federal income tax purposes"

4. Page 3, line 18 through line 26.

**Strike:** subsection (11) in its entirety

**Renumber:** subsequent subsections

5. Page 4, line 22 through page 5, line 27.

**Strike:** section 3 in its entirety

**Renumber:** subsequent sections

6. Page 6, line 19 through line 21.

**Strike:** subsection (v) in its entirety

7. Page 6, line 25.

**Strike:** "5"

**Insert:** "4"

8. Page 9, line 3.

**Strike:** "4(2)"

**Insert:** "3(2)"

9. Page 10, line 27 through line 28.

**Strike:** "or, if" on line 27 through "0.40" on line 28

10. Page 12, line 3.

**Insert:** "(7) The provisions of this section do not apply to an insurer involved in a proceeding under the Insurers Supervision, Rehabilitation, and Liquidation Act, Title 33, chapter 2, part 13, or any similar proceeding brought by any other state insurance commissioner."

**"NEW SECTION. Section 6. Legitimate business purpose.** (1) If a taxpayer's ratio of the 5-year average net written premiums for all insurance companies in a commonly controlled group to the 5-year average total income for all insurance companies in the commonly controlled group for the tax year is greater than or equal to 60%, as determined under [section 2], then the provisions of [sections 1 through 7] do not apply.

(2) If a taxpayer's ratio of the 5-year average net written premiums for all insurance companies in a commonly controlled group to the 5-year average total income for all insurance companies in the commonly controlled group for the tax year is less than 60%, as determined under [section 2], and upon an adequate showing by a taxpayer that a transaction referred to in [sections 2 through 5] was entered into with a legitimate business purpose, the department may grant relief from the application of [sections 1 through 7]."

**Renumber:** subsequent sections

11. Page 12, line 4 through line 24.

**Strike:** "To implement" on line 4 through "7], the" on line 5

**Insert:** "The"

**Following:** "necessary"

**Insert:** "to implement and administer the provisions of [sections 1 through 6]."

**Strike:** ", including" on line 5 through "state." on line 24

12. Page 12, line 26 through page 14, line 6.

**Strike:** section 8 in its entirety

**Renumber:** subsequent sections

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And, as amended, do pass. Report adopted.

**SB 470**, do pass. Report adopted.

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 556**, introduced by Elliott, Hamilton, Shockley, referred to Taxation.

**SB 557**, introduced by Black, Elliott, referred to Taxation.

**SB 558**, introduced by Lind, referred to Natural Resources and Energy.

**SB 559**, introduced by Kaufmann, referred to Taxation.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Schmidt in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 83** - Senator Williams moved consideration of **HB 83** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**HB 176** - Senator Brueggeman moved **HB 176** be concurred in. Motion carried unanimously.

**HB 190** - Senator J. Tropila moved **HB 190** be concurred in. Motion carried with Senator McGee voting nay.

**HB 361** - Senator Shockley moved consideration of **HB 361** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**HB 132** - Senator Laible moved **HB 132** be concurred in. Motion carried unanimously.

**HB 140** - Senator Lewis moved **HB 140** be concurred in. Motion carried as follows:

Yeas: Black, Cobb, Cocchiarella, Elliott, Essmann, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, O'Neil, Pease, Ryan, Schmidt, Shockley, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Williams.

Total 31

Nays: Bales, Balyeat, Barkus, Brown, Brueggeman, Curtiss, Esp, Gallus, Jackson, Lind, McGee, Perry, Peterson, Stapleton, Steinbeisser, Story, Tash, Weinberg, Mr. President.

Total 19

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Schmidt moved the Committee of the Whole report be adopted. Report adopted unanimously.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 90** concurred in as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 48

Nays: Balyeat, Brown.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 193** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 332** concurred in as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams,

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Mr. President.  
Total 49

Nays: Balyeat.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 531** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: Esp.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 144** concurred in as follows:

Yeas: Bales, Balyeat, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 48

Nays: Barkus, Esp.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 449** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann,

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Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: O'Neil.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 70** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 81** concurred in as follows:

Yeas: Bales, Balyeat, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 45

Nays: Barkus, Esp, McGee, Steinbeisser, Story.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 87** concurred in as follows:

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Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senate recessed at 1:55 p.m. to meet in joint session with the House for the purpose of receiving Congressman Denny Rehberg's address.

Distinguished members of the Legislature, honored guests, my fellow Montanans...

Thank you for allowing me to be here today. It's good to be back at the State Capitol. It's truly a privilege to stand before you once again as Montana's Congressman and discuss what we can do together for Montana.

I'm going to talk today about the future, but before I get into the substance of my remarks I want to show you the future. In the audience today is young man by the name of Toby Marx. Toby is the son of Glenn and Terri Marx. Some of you may remember Glenn's name because of his service to Montana working for Congressman Ron Marlenee and Governors Stan Stephens and Marc Racicot. Toby is a 2006 graduate of Whitehall High School where he was Valedictorian and an accomplished athlete. Last year I appointed Toby to West Point where he just finished his first semester, is an Engineering major, and is on the Dean's List. When he graduates Toby will be commissioned as a 2<sup>nd</sup> Lieutenant and will have a five year obligation in the U.S. Army. Young men like Toby make me feel pretty good about Montana's future and America's future and I want to thank him for his service.

I would also like to take a minute and pay tribute to all of the brave young men and women serving to protect America, at home, and abroad. Their deeds and service will remain forever engraved in the archives of a grateful nation and in the hearts of their family and friends.

When I last spoke to you two years ago, circumstances were very different in the U.S. House. While the changes certainly bring new challenges, the priority remains the same: making sure Montana has a seat at the table in Washington DC.

As many of you know, I visit each of Montana's 56 counties every congressional term – which means I get a lot of frequent driver miles. It also means I spend a lot of time talking to Montanans and filling up at gas stations – and those conversations and fill-ups ensure that energy issues, and their solutions, are never far from my mind.

Those of us in elective office should never tire of talking about energy problems, and finding energy solutions, because it's not a matter of time – we are already facing energy shortages across the country.

It's not a matter of money, as federal and state governments continue to combine to spend billions through LIHEAP and other such programs to try and make sure folks don't have to choose between paying their energy

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bill and putting food on the table.

And it certainly shouldn't be a matter of politics. The need for a National energy policy and the time for Montana to be part of the comprehensive national energy policy is NOW. It's time for all of us to quit blaming each other for what's not being done and start the task of creating a long-term plan that will prevent price shocks, prevent energy shortages, and establish a level of energy consistency and price stability Montanans have the right to expect.

The status quo is unacceptable. When it comes to energy; we need to do more. MUCH MORE. If Americans nationwide and Democrats and Republicans especially in Washington D.C. are willing to work together and put aside regional and partisan differences, we can accomplish a lot in a short period. And frankly, we don't have a choice.

Let's talk about the principles of an effective, comprehensive energy policy that would address our needs today, AND tomorrow.

One – America will be stronger if it develops 21<sup>st</sup> Century technology and market-oriented solutions to environmental conservation, and energy consumption.

Protecting the environment and producing energy are not mutually exclusive.

Two – The lengthy process of environmental planning must be made more efficient and cost effective. We don't need more bureaucracy and burdensome regulations. We need the kind of common sense environmental regulations that are balanced and reasonable.

Three – America should focus its energy policy in four areas: basic research for a new energy system, incentives for conservation, more renewable resources, and environmentally sound development of fossil fuels.

You, like me, read the headlines every day. Venezuela this – Saudi Arabia that – OPEC this – Iran that. A threat to America's energy security is a threat to national security. Our "dependence" on OPEC and foreign oil entangles us in the Middle East and makes us dependent on countries that are hostile to America and American interests. The greater America's dependence on foreign energy, the greater the threat to American national security.

What does that have to do with the 60<sup>th</sup> Montana Legislative Session?

With full confidence I can say that what you are going to discuss over the final days of this session has vastly more to do with our long-term national security than anything Congress will do about the Middle East in the next few months. And what you need is a sense of the strategic importance of energy independence, and why it is urgent at a national security level.

If you were to take all of Latin America and look at the amount we have spent there since 1979 in terms of national defense, military activities, etc. and then you were to take all of sub-Saharan Africa and look at the amount we have spent there since 1979 – and then you were to look at the Persian Gulf and add up the cumulative investment of trying to add stability to the region – that's the underlying cost of the current energy economy in America. So it's important to think about what the current energy economy costs us and what would a dramatically different future energy economy cost us.

Think of the exciting possibilities....more wind projects, solar projects, coal to liquids, biomass, biofuels (cellulosic ethanol), and things we haven't even thought of yet.



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These are just some of the major building blocks of creating a national security environment where our balance of payments is dramatically better because the energy money is staying here at home, and the ability of any foreign government, whether it's a dictator in Venezuela or a dictator in Iran, to, in any way, threaten the U.S. and the world economy in energy terms is substantially reduced. So I want to start by saying, in my mind, there are decisions you –in Helena– and us – in Washington are going to have to make soon because these decisions will bring together national security, the environment, the future economic health of the U.S., the quality of life in rural America and incomes for our farmers and ranchers.

Today, I want to address one of those building blocks – Clean Coal.

Last June, I asked the Department of Energy to assign an expert to my office to figure out why Montana has the largest recoverable coal reserves in America, and only ranks 6<sup>th</sup> in production...

Why Wyoming has 10 times the production we do....

Why 7 states competed to be the site for FutureGen, the world's first coal-fueled zero emissions electricity and hydrogen power plant. Through the use of advanced coal gasification technologies and carbon sequestration, FutureGen offers the opportunity to use our plentiful American coal resources to meet our growing energy needs, while protecting the health of our people and our environment – and Montana didn't even submit a proposal.

The person lent to my office turned out to be an exceptionally qualified gentleman by the name of Bob Wright, an engineer and PhD with over 40 years of experience in energy technologies and electrical power generation, both fossil fuels and nuclear. In prior assignments, he was responsible for providing support to decision makers for programs and policy addressing global climate change, hydrogen production and geologic carbon sequestration.

In his final report to me, Bob did not mince words. – Prior initiatives to provide incentives for the production and use of coal in Montana have failed. The establishment of state incentives, both financial and non-financial, is absolutely critical because incentives by the federal government are applicable in all states – for Montana to move beyond rhetoric and actually do something – it must compete with other states for the one or two commercial plants that we know will be built somewhere in America in the next 10 years.

What other states offer incentives for coal gasification? – Illinois, Indiana, Minnesota, Ohio, Pennsylvania, Texas, and Wyoming.

So I asked Bob to study these states – and come up with ideas for me in Congress, and you in Montana. Big ideas....

I sometimes jokingly say – creativity is great – but plagiarism is a whole lot faster. Let's take their ideas.... And do it bigger and better.

In these 7 states...grants are used to conduct studies, perform research and provide educational opportunities in specific disciplines.

Why not award merit-based competitive grants for specific studies and research projects addressing the production and use of coal within Montana. Limit these awards to a maximum of \$2.5 million with a performance period not to exceed (3) years.

Or -- award grants to schools of secondary education up to \$25,000 per school per year, for either a curriculum or program in energy that must include a balance among conservation, renewable energy, coal, natural gas, petroleum and, yes, even nuclear energy.

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How about establishing, at the university level, programs that lead to a bachelor's degree in the production and use of coal and clean coal technologies?

Another approach to financial incentives for some states is to offer tax credits. These credits are available for all new coal technology and coal-to-liquids facilities and would be offered per ton of coal used. They would expire after a specific number of total tons have been consumed or after a set number of years have passed.

The highest level of commitment to coal would be for Montana to establish a coal and economic development office. Several states have done so. For example, in the state of Ohio, the Ohio Development Office co-funds development and implementation of technologies that can use their state's high-sulfur coal in an economical, environmentally-sound manner. Illinois and Wyoming have done the same.

These are just some of the many, many recommendations Dr. Wright spent 8 months researching for me. I have brought along with me today a copy of his report for each of you.

What, you might ask, am I doing to help?

As you know, I am a member of the House Appropriations Committee.

Last month, the Congress passed, and the President signed, a \$1.2 billion appropriation for the Department of Energy's Energy Efficiency and Renewable Energy Programs. These programs fund weatherization, efficiency deployment, industrial technologies, equipment standards and analysis, and distributed energy – which all play a key role in the research, development, and deployment of new energy efficiency technologies.

I'm a cosponsor of 25 x 25 which means that by the year 2025, America's agricultural, forestry, and working lands will provide 25% of the total energy consumed in the U.S. from renewable sources. Nearly 400 agricultural, environmental and industry group have endorsed the legislation.

Along with Nick Rahall, Democrat Chairman of the Natural Resources Committee, I have introduced the Coal-to-Liquid Fuel Promotion Act of 2007. This legislation addresses DOE loan guarantees for the first 10 large-scale plants, and expands federal tax incentives for investment and production (including the infrastructure needed to sequester carbon) capped at \$200 million a plant.

And next week, I am introducing legislation to streamline the permitting process for new coal to liquids facilities. My bill is intended to create a cooperative approach between Federal, State, and Tribal government in order to develop and approve permits in a timely manner, and create deadlines for permit approval.

The President laid down the challenge in last year's State of the Union Address: Make America more energy independent....

He said, "To change how we power our homes and offices, we will invest more in zero-emission coal-fired plants, revolutionary solar winds and technologies, and clean, safe nuclear energy."

Let's make this our Montana mission; our vision for the future:

To modernize our infrastructure so that we can deliver energy more efficiently and inexpensively, and open the door to new sources of fuel...

Pursue hydrogen and other alternative sources that offer breakthrough advances in energy production....

And explore all new possibilities right here at home so that we, Montana, can become the energy laboratory of the

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future.

For in the end, it will be the 300 million Americans who will benefit the most. If we can put a man on the moon and return him safely, we can address and solve the energy challenges facing America today. It is a challenge worthy of our best minds and most determined efforts. And it's a challenge I'm confident we will meet... and beat.

Thank you all for your kind attention. Good day, and God bless you all.

Senate reconvened 2:30 p.m.

Roll Call: Quorum present.

Yeas: Bales, Barkus, Brueggeman, Cocchiarella, Curtiss, Esp, Essmann, Gallus, Gillan, Hansen, Hawks, Jent, Juneau, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 35

Nays: Balyeat, Brown, Gebhardt, Jackson, McGee, Shockley, Stapleton.  
Total 7

Absent or not voting: None.  
Total 0

Excused: Black, Cobb, Elliott, Harrington, Kaufmann, Lind, Murphy, Smith.  
Total 8

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 8:00 a.m., Saturday, March 17, 2007. Motion carried.

Senate adjourned at 2:33 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

**SENATE JOURNAL  
60TH LEGISLATURE  
FIFTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana  
March 17, 2007

Senate Chambers  
State Capitol

Senate convened at 8:00 a.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. Senators Cobb, Juneau, Story, Ryan, Gallus, Harrington excused. Quorum present.

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Gillan, Hawks, Jackson, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 41

Nays: Lind, McGee.

Total 2

Absent or not voting: None.

Total 0

Excused: Cobb, Gallus, Hansen, Harrington, Juneau, Ryan, Story.

Total 7

**REPORTS OF STANDING COMMITTEES**

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Cocchiarella, Chairman):

3/17/2007

**HB 409**, be amended as follows:

1. Page 1.

**Following:** line 20

**Insert:** "(3) "Line-make" means a type of motorsports vehicle produced by a manufacturer."

**Renumber:** subsequent subsections

2. Page 2, line 2.

**Strike:** "(1)"

3. Page 2, line 7.

**Strike:** "(a)"

**Insert:** "(1)"

**Renumber:** subsequent subsections

4. Page 2, line 25.

**Strike:** "subsection (2)"

**Insert:** "61-4-208(3)(b) or (3)(c)"

5. Page 3, line 3.

**Strike:** "(1)(h)"

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6. Page 3, line 28.

**Strike:** "(i)"

**Insert:** "(a)"

**Renumber:** subsequent subsection

7. Page 4, line 2.

**Strike:** "(i)"

**Insert:** "(a)"

**Renumber:** subsequent subsections

8. Page 5, line 5 through page 6, line 6.

**Strike:** subsection (2) in its entirety

And, as amended, be concurred in. Report adopted.

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 25**, introduced by Olson, referred to Natural Resources and Energy.

**HB 57**, introduced by Franklin, referred to Public Health, Welfare and Safety.

**HB 96**, introduced by Kerns, referred to Finance and Claims.

**HB 284**, introduced by Augare, referred to Fish and Game.

**HB 407**, introduced by Vincent, referred to Finance and Claims.

**HB 583**, introduced by Jopek, referred to Natural Resources and Energy.

**HB 611**, introduced by Jacobson, referred to Natural Resources and Energy.

**HB 811**, introduced by Wells, referred to Finance and Claims.

The following House joint resolutions were introduced, read first time, and referred to committees:

**HJR 14**, introduced by Heinert, referred to Natural Resources and Energy.

**HJR 17**, introduced by Cohenour, referred to Agriculture, Livestock and Irrigation.

**HJR 22**, introduced by W. Jones, referred to Public Health, Welfare and Safety.

**HJR 24**, introduced by Hands, referred to Natural Resources and Energy.

**HJR 26**, introduced by Callahan, referred to Public Health, Welfare and Safety.

**HJR 28**, introduced by Cohenour, referred to Business, Labor, and Economic Affairs.

**HJR 33**, introduced by Thomas, referred to Public Health, Welfare and Safety.

**HJR 34**, introduced by Van Dyk, referred to Natural Resources and Energy.

**HJR 35**, introduced by Ebinger, referred to Fish and Game.

**HJR 36**, introduced by Lambert, referred to Taxation.

**HJR 38**, introduced by Jore, referred to Judiciary.

**HJR 39**, introduced by Erickson, referred to Business, Labor, and Economic Affairs.

**HJR 40**, introduced by Windy Boy, referred to Natural Resources and Energy.

**HJR 42**, introduced by Wilmer, referred to Public Health, Welfare and Safety.

**HJR 44**, introduced by Gallik, referred to Public Health, Welfare and Safety.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

SENATE JOURNAL  
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 17, 2007

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Larson in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 88** - Senator Hawks moved the house amendments for **SB 88**, as amended, do pass. Motion carried unanimously.

**SB 21** - Senator Larson moved the house amendments for **SB 21**, as amended, do pass. Motion carried unanimously.

**HB 86** - Senator Balyeat moved **HB 86** be concurred in. Motion carried unanimously.

**SB 237** - Senator Brueggeman moved the house amendments to **SB 237**, as amended, be concurred. Motion carried unanimously.

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Larson moved the Committee of the Whole report be adopted. Report adopted unanimously.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 176** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Gillan, Hawks, Jackson, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 42

Nays: Shockley.

Total 1

Absent or not voting: None.

Total 0

Excused: Cobb, Gallus, Hansen, Harrington, Juneau, Ryan, Story.

Total 7

**HB 190** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Gillan, Hawks, Jackson, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 41

Nays: Lind, McGee.

SENATE JOURNAL  
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 17, 2007

Total 2

Absent or not voting: None.

Total 0

Excused: Cobb, Gallus, Hansen, Harrington, Juneau, Ryan, Story.

Total 7

**HB 132** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Gillan, Hawks, Jackson, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 43

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Cobb, Gallus, Hansen, Harrington, Juneau, Ryan, Story.

Total 7

**HB 140** concurred in as follows:

Yeas: Bales, Black, Cocchiarella, Elliott, Essmann, Gebhardt, Gillan, Hawks, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, O'Neil, Pease, Schmidt, Shockley, Smith, Squires, Tash, M.Tropila, Wanzenried, Weinberg, Williams.

Total 28

Nays: Balyeat, Barkus, Brown, Brueggeman, Curtiss, Esp, Jackson, Lind, McGee, Perry, Peterson, Stapleton, Steinbeisser, Story, J.Tropila, Mr. President.

Total 16

Paired: Moss, Aye; Story, No.

Absent or not voting: None.

Total 0

Excused: Cobb, Gallus, Hansen, Harrington, Juneau, Ryan.

Total 6

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1:00 p.m., Monday, March 19, 2007. Motion carried.

Senate adjourned at 8:25 a.m.

SENATE JOURNAL  
FIFTY-SEVENTH LEGISLATIVE DAY - MARCH 17, 2007

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate`



**SENATE JOURNAL  
60TH LEGISLATURE  
FIFTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana  
March 19, 2007

Senate Chambers  
State Capitol

Senate convened at 1:00 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. Senator Schmidt excused. All members present. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 42

Nays: Balyeat, Esp, Gebhardt, Lind, McGee, O'Neil, Shockley.

Total 7

Absent or not voting: None.

Total 0

Excused: Schmidt.

Total 1

**REPORTS OF STANDING COMMITTEES**

**AGRICULTURE, LIVESTOCK AND IRRIGATION** (Hansen, Chairman):

3/19/2007

**HB 503**, be concurred in. Report adopted.

**PUBLIC HEALTH, WELFARE AND SAFETY** (Weinberg, Chairman):

3/19/2007

**HB 64**, be concurred in. Report adopted.

**HB 92**, be concurred in. Report adopted.

**HB 98**, be concurred in. Report adopted.

**HB 117**, be amended as follows:

1. Page 3, line 19.

**Strike:** "number of"

2. Page 3, line 21.

**Strike:** "number of"

3. Page 3, line 24.

**Strike:** "NUMBER OF"

4. Page 3, line 26.

**Strike:** "number of"

5. Page 3, line 27.

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**Strike:** "number of"

And, as amended, be concurred in. Report adopted.

**HB 118**, be concurred in. Report adopted.

**HB 120**, be concurred in. Report adopted.

**HB 157**, be concurred in. Report adopted.

**STATE ADMINISTRATION** (Squires, Chairman):

3/19/2007

**HB 105**, be concurred in. Report adopted.

**HB 177**, be concurred in. Report adopted.

**HB 206**, be concurred in. Report adopted.

**HB 207**, be concurred in. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

**House bill** passed and transmitted to the Senate for concurrence:

3/19/2007

**HB 99**, introduced by Olson

**House bill** passed and transmitted to the Senate for concurrence:

3/19/2007

**HB 195**, introduced by Lange

**House bill** passed and transmitted to the Senate for concurrence:

3/19/2007

**HB 196**, introduced by Lange

**House bill** passed and transmitted to the Senate for concurrence:

3/19/2007

**HB 240**, introduced by Nooney

**House bill** passed and transmitted to the Senate for concurrence:

3/19/2007

**HB 329**, introduced by Windy Boy

**House bill** passed and transmitted to the Senate for concurrence:

3/19/2007

**HB 805**, introduced by Ripley

**House bill** passed and transmitted to the Senate for concurrence:

3/19/2007

**HB 806**, introduced by Beck

**House bill** passed and transmitted to the Senate for concurrence:

3/19/2007

**HB 807**, introduced by Wells

**House bill** passed and transmitted to the Senate for concurrence:

3/19/2007

SENATE JOURNAL  
FIFTY-EIGHTH LEGISLATIVE DAY - MARCH 19, 2007

**HB 809**, introduced by Glaser

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Brown in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 83** - Senator Laslovich moved consideration of **HB 83** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**HB 28** - Senator Shockley moved **HB 28** be concurred in. Motion carried with Senator Gebhardt, Kaufmann voting nay.

**HB 400** - Senator Williams moved consideration of **HB 400** be passed for the day. Motion carried.

**HB 662** - Senator Esp moved **HB 662** be concurred in. Motion carried unanimously.

**HB 378** - Senator Cocchiarella moved **HB 378** be concurred in. Motion carried with Senator Story voting nay.

**HB 124** - Senator Laslovich moved **HB 124** be concurred in. Motion carried with Senator McGee voting nay.

**HB 357** - Senator Lewis moved **HB 357** be concurred in. Motion carried with Senator McGee voting nay.

**HB 58** - Senator Cocchiarella moved **HB 58** be concurred in. Motion carried as follows:

Yeas: Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 35

Nays: Bales, Balyeat, Barkus, Black, Esp, Essmann, McGee, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 15

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 75** - Senator Bales moved **HB 75** be concurred in. Motion carried unanimously.

**HB 623** - Senator Gebhardt moved **HB 623** be concurred in. Motion carried unanimously.

**HB 347** - Senator Kitzenberg moved **HB 347** be concurred in. Motion carried unanimously.

**HB 83** - Senator Williams moved consideration of **HB 83** be passed for the day. Motion carried.

SENATE JOURNAL  
FIFTY-EIGHTH LEGISLATIVE DAY - MARCH 19, 2007

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Brown moved the Committee of the Whole report be adopted. Report adopted unanimously.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 21, as amended by the House**, concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 88, as amended by the House**, concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 237, as amended by the House**, concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.

SENATE JOURNAL  
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Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 86** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**LEGISLATIVE ADMINISTRATION** (Smith, Chairman): 3/19/2007  
MR. PRESIDENT:  
We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 9:00 a.m., Saturday, March 17, 2007:

<u>TITLE</u>	<u>NAME</u>
Pages:	Brandon Norick, Columbia Falls Frances Eagleman, Havre Tamara Ruffatto, Brockton Alexandra Hurley, Anaconda Ashley Sue Ames, Helena Robin Patrick, Hingham

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, March 19, 2007:

<u>TITLE</u>	<u>NAME</u>
Pages:	Kelsey Salomon, Ronan Mallory Hugs, Pryor

SENATE JOURNAL  
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Lyndsi Jonart, Butte  
Max Miller, Laurel  
Jessi Manchester, Butte  
Eugen Riordan, Butte  
Neil Gavigan, Belgrade  
Zackary Rambo, Gildford

Report Adopted.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1:00 p.m., Tuesday, March 20, 2007. Motion carried.

Senate adjourned at 2:00 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

**SENATE JOURNAL  
60TH LEGISLATURE  
FIFTY-NINTH LEGISLATIVE DAY**

Helena, Montana  
March 20, 2007

Senate Chambers  
State Capitol

Senate convened at 1:00 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 46

Nays: Brown, Gillan, Lind, McGee.  
Total 4

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

A Proclamation of the Senate and the House of Representatives of the State of Montana

Commending Nicole Winter, a 17-year-old Missoula teenager who was treated at Shodair Children's Hospital, and whose optimism and determination helped her triumph over significant mental health challenges to return to a fruitful life with family and community.

WHEREAS, Children's Miracle Network, the international alliance of premier children's hospitals in the U.S. and abroad, spotlights the heroic battles of children like Nicole with illnesses of all kinds; and

WHEREAS, Nicole Winter will represent Montana in the Children's Miracle Network program honoring remarkable children who have met the challenges of severe medical conditions: Champions Across America presented by CO-OP Financial Services; and

WHEREAS, Nicole has been selected for her courage, tenacity, and perseverance as the sole representative of children's mental health needs, and an ambassador for the 17 million children treated each year at Children's Miracle Network children's hospitals.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA: that the congratulations of all Montanans be extended to Nicole Winter for her positive attitude in the face of a significant medical condition, and convey to her their sincere best wishes for safe travel and memorable experiences during her year as Montana's Champion.

SENATE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 20, 2007

Senate pictures taken in the chambers.

Roll Call. Senator Squires excused. Quorum present.

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 40

Nays: Balyeat, Brown, Essmann, Gebhardt, Jackson, Lind, McGee, O'Neil, Shockley.  
Total 9

Absent or not voting: None.  
Total 0

Excused: Squires.  
Total 1

**REPORTS OF STANDING COMMITTEES**

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Cocchiarella, Chairman): 3/20/2007  
**HB 412**, be concurred in. Report adopted.  
**HB 633**, be concurred in. Report adopted.

**EDUCATION AND CULTURAL RESOURCES** (Ryan, Chairman): 3/20/2007  
**HB 363**, be concurred in. Report adopted.

**FINANCE AND CLAIMS** (Schmidt, Chairman): 3/20/2007  
**HB 22**, be concurred in. Report adopted.

**JUDICIARY** (Laslovich, Chairman): 3/20/2007  
**HB 341**, be concurred in. Report adopted.  
**HB 397**, be concurred in. Report adopted.  
**HB 585**, be concurred in. Report adopted.

**NATURAL RESOURCES AND ENERGY** (Lind, Chairman): 3/20/2007  
**HB 555**, be concurred in. Report adopted.  
**HB 703**, be concurred in. Report adopted.

**STATE ADMINISTRATION** (Squires, Chairman): 3/20/2007  
**HB 129**, be concurred in. Report adopted.  
**HB 153**, be amended as follows:

1. Title, line 7.  
**Strike:** "VENUE OR"

2. Page 5, line 3.  
**Following:** "shall"



SENATE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 20, 2007

**Strike:** "make" through "record"  
**Insert:** "notify the registered agent"  
**Following:** "practicable"  
**Strike:** "a daily list"

3. Page 5, line 4.  
**Strike:** "a"  
**Insert:** "the"

4. Page 5, line 5.  
**Following:** ";"  
**Insert:** "and"

5. Page 5, line 6.  
**Strike:** "(b)" through "and"  
**Renumber:** subsequent subsection

6. Page 10, line 8.  
**Strike:** "and venue"

7. Page 10, line 10.  
**Following:** "state."  
**Strike:** remainder of line 10 in its entirety

And, as amended, be concurred in. Report adopted.

**HB 242**, be concurred in. Report adopted.  
**HB 253**, be concurred in. Report adopted.  
**HB 260**, be concurred in. Report adopted.  
**HB 570**, be concurred in. Report adopted.  
**HB 789**, be concurred in. Report adopted.

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate resolutions were introduced, read first time, and referred to committees:

**SR 8**, introduced by Squires, referred to State Administration.  
**SR 9**, introduced by Squires, referred to State Administration.

The following House bills were introduced, read first time, and referred to committees:

**HB 805**, introduced by Ripley, referred to Finance and Claims.  
**HB 806**, introduced by Beck, referred to Finance and Claims.  
**HB 807**, introduced by Wells, referred to Finance and Claims.  
**HB 809**, introduced by Glaser, referred to Finance and Claims.  
**HB 818**, introduced by Taylor, referred to Finance and Claims.  
**HB 819**, introduced by Taylor, referred to Finance and Claims.  
**HB 820**, introduced by Taylor, referred to Finance and Claims.

SENATE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 20, 2007

**MESSAGES FROM THE OTHER HOUSE**

**House bill** passed and transmitted to the Senate for concurrence: 3/19/2007

**HB 818**, introduced by Taylor

**House bill** passed and transmitted to the Senate for concurrence: 3/19/2007

**HB 819**, introduced by Taylor

**House bill** passed and transmitted to the Senate for concurrence: 3/19/2007

**HB 820**, introduced by Taylor

**MESSAGES FROM THE GOVERNOR**

March 16, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 15** sponsored by Senator J. Tropila on March 16, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

March 16, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 54** sponsored by Senator Cocchiarella on March 16, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

SENATE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 20, 2007

March 16, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 97** sponsored by Senator Cocchiarella on March 21, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

March 16, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 101** sponsored by Senator Jent on March 16, 2007. I have also signed the following House bills: **HB 44** sponsored by Rep. McChesney, **HB 72** sponsored by Rep. Van Dyk, **HB 115** sponsored by Rep. Cohenour, **HB 122**, **HB 126 & HB 127** sponsored by Rep. Keane, **HB 219** sponsored by Rep. Ebinger, **HB 292** sponsored by Rep. Stahl, **HB 419** sponsored by Rep. Koopman, & **HB 431** sponsored by Rep. Blasdel.

Sincerely,

BRIAN SCHWEITZER  
Governor

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 28** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 46

SENATE JOURNAL  
FIFTY-NINTH LEGISLATIVE DAY - MARCH 20, 2007

Nays: Gallus, Gebhardt, Kaufmann.  
Total 3

Absent or not voting: None.  
Total 0

Excused: Squires.  
Total 1

**HB 662** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Squires.  
Total 1

**HB 378** concurred in as follows:

Yeas: Bales, Balyeat, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 42

Nays: Barkus, Lind, McGee, O'Neil, Stapleton, Steinbeisser, Story.  
Total 7

Absent or not voting: None.  
Total 0

Excused: Squires.  
Total 1

**HB 124** concurred in as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 46

SENATE JOURNAL  
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Nays: Balyeat, McGee, O'Neil.  
Total 3

Absent or not voting: None.  
Total 0

Excused: Squires.  
Total 1

**HB 357** concurred in as follows:

Yeas: Bales, Balyeat, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 47

Nays: Barkus, McGee.  
Total 2

Absent or not voting: None.  
Total 0

Excused: Squires.  
Total 1

**HB 58** concurred in as follows:

Yeas: Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Ryan, Schmidt, Smith, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 35

Nays: Bales, Balyeat, Barkus, Esp, Essmann, McGee, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 14

Absent or not voting: None.  
Total 0

Excused: Squires.  
Total 1

**HB 75** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

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Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Squires.  
Total 1

**HB 623** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Squires.  
Total 1

**HB 347** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 48

Nays: Cobb.  
Total 1

Absent or not voting: None.  
Total 0

Excused: Squires.  
Total 1

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Harrington in the chair.

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Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 64** - Senator Esp moved **HB 64** be concurred in. Motion carried unanimously.

**HB 92** - Senator Lind moved **HB 92** be concurred in. Motion carried unanimously.

**HB 157** - Senator Cobb moved **HB 157** be concurred in. Motion carried unanimously.

**HB 521** - Senator Curtiss moved **HB 521** be concurred in. Motion carried unanimously.

**HB 120** - Senator Ryan moved **HB 120**, second reading copy, be amended as follows:

1. Title, line 6.

**Following:** "EXEMPTING"

**Insert:** "CERTAIN"

**Strike:** "PROVIDERS WITH A 2-YEAR OR 3-YEAR LICENSE"

2. Page 1, line 27.

**Following:** "(4)"

**Insert:** "(a)"

3. Page 1, line 28.

**Strike:** "THE"

**Insert:** "Subject to subsection (4)(b), the"

4. Page 1, line 29.

**Following:** "BASIS"

**Insert:** "."

**Strike:** "AND"

**Insert:** "(b) The department"

5. Page 1, line 30.

**Following:** "52-2-721"

**Insert:** "or that have successfully passed inspections for 10 consecutive years"

Amendment adopted unanimously.

**HB 120** - Senator Moss moved **HB 120**, as amended, be concurred in. Motion carried unanimously.

**HB 105** - Senator Jent moved **HB 105** be concurred in. Motion carried unanimously.

**HB 177** - Senator Essmann moved **HB 177** be concurred in. Motion carried unanimously.

**HB 207** - Senator Laible moved **HB 207** be concurred in. Motion carried unanimously.

**HB 83** - Senator Shockley moved **HB 83**, second reading copy, be amended as follows:

1. Page 1, line 23.

**Following:** "death"

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**Insert:** "or sentence of life imprisonment without possibility of release"

Amendment adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Jackson, Jent, Juneau, Kitzenberg, Laible, Larson, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Perry, Peterson, Schmidt, Shockley, Stapleton, Steinbeisser, Story, Tash, J.Tropila, Weinberg, Williams.  
Total 39

Nays: Cocchiarella, Hawks, Kaufmann, Laslovich, Pease, Ryan, Smith, M.Tropila, Wanzenried, Mr. President.  
Total 10

Absent or not voting: None.  
Total 0

Excused: Squires.  
Total 1

**HB 83** - Senator Perry moved **HB 83**, second reading copy, be amended as follows:

1. Page 1, line 29.

**Following:** "parole."

**Insert:** "The provisions of this subsection do not apply to a person who is ineligible for medical parole under subsection (1)(a)."

Amendment adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Elliott, Esp, Essmann, Gebhardt, Gillan, Hansen, Jackson, Juneau, Kitzenberg, Laible, Lewis, Lind, McGee, Murphy, Perry, Peterson, Schmidt, Shockley, Stapleton, Steinbeisser, Tash, Weinberg, Williams.  
Total 30

Nays: Cobb, Cocchiarella, Gallus, Harrington, Hawks, Jent, Kaufmann, Larson, Laslovich, Moss, O'Neil, Pease, Ryan, Smith, Story, J.Tropila, M.Tropila, Wanzenried, Mr. President.  
Total 19

Absent or not voting: None.  
Total 0

Excused: Squires.  
Total 1

**HB 83** - Senator Lind moved **HB 83**, second reading copy, be amended as follows:

1. Page 3, line 7.

**Following:** line 6

**Insert:** "(9) Before July 1 of each even-numbered year, the board shall report to the children, families, health, and human services interim committee and the law and justice interim committee regarding the outcome related to any person released on medical parole since the last report, including health care costs and payments related to the care of the person released on medical parole."



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Amendment adopted as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Elliott, Esp, Essmann, Gebhardt, Gillan, Hansen, Hawks, Juneau, Kitzenberg, Laible, Larson, Lewis, Lind, McGee, O'Neil, Perry, Peterson, Schmidt, Shockley, Stapleton, Steinbeisser, Story, Tash, Weinberg, Williams, Mr. President.  
Total 33

Nays: Balyeat, Cocchiarella, Gallus, Harrington, Jackson, Jent, Kaufmann, Laslovich, Moss, Murphy, Pease, Ryan, Smith, J.Tropila, M.Tropila, Wanzenried.  
Total 16

Absent or not voting: None.  
Total 0

Excused: Squires.  
Total 1

**HB 83** - Senator Laslovich moved **HB 83**, as amended, be concurred in. Motion carried unanimously.

**HB 400** - Senator M. Tropila moved **HB 400** be concurred in. Motion carried with Senator Lind, Hansen, McGee, Story voting nay.

**HB 120** - Senator Ryan made a **substitute motion** that **HB 120** be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion carried unanimously.

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Harrington moved the Committee of the Whole report be adopted. Report adopted unanimously.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1:00 p.m., Wednesday, March 21, 2007. Motion carried.

Senate adjourned at 3:01 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

**SENATE JOURNAL  
60TH LEGISLATURE  
SIXTIETH LEGISLATIVE DAY**

Helena, Montana  
March 21, 2007

Senate Chambers  
State Capitol

Senate convened at 1:00 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. Senator Schmidt excused. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 42

Nays: Balyeat, Gebhardt, Jackson, Lind, McGee, O'Neil, Shockley.

Total 7

Absent or not voting: None.

Total 0

Excused: Schmidt.

Total 1

**MOTIONS**

**SEN. JOHN COBB, SD 9, AUGUSTA** moved reconsideration action be taken on **SB 157**, placement on second reading and moved to the Finance and Claims Committee. **SEN. COREY STAPLETON, SD 27, BILLINGS** rejected the motion stating this calls for a suspension of the rules. Senator Cobb commented he thought it would take a motion action. President Cooney ruled Senator Cobb's motion was in order. Senator Stapleton requested a Rules Committee meeting. **SEN. CAROL WILLIAMS, SD 46, MISSOULA** called for the Rules Committee to meet immediately in Room 350. President Cooney called the Senate to stand at ease.

Roll Call.

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 40

Nays: Balyeat, Brown, Essmann, Gebhardt, Jackson, Lind, McGee, O'Neil, Shockley.

Total 9

Absent or not voting: None.

Total 0

Excused: Schmidt.

Total 1

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Senator Cobb restated his motion to reconsider action on **SB 157**. President Cooney stated the ruling of the chair would be upheld. The vote carried as follows:

Yeas: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 27

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 23

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SEN. JIM ELLIOTT, SD 7, TROUT CREEK** moved **SB 220** be transferred from Taxation Committee and placed on second reading on the 62nd Legislative day. Senator Cobb objected to the motion. Senator Cooney called for a vote on the motion. The motion carried as follows:

Yeas: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 26

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 24

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**REPORTS OF STANDING COMMITTEES**

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Cocchiarella, Chairman): 3/21/2007  
**HB 113**, be concurred in. Report adopted.  
**HB 496**, be concurred in. Report adopted.  
**HB 724**, be concurred in. Report adopted.

**FISH AND GAME** (Tropila, Chairman): 3/21/2007  
**HB 717**, be concurred in. Report adopted.  
**HB 759**, be amended as follows:

1. Page 2, line 25 through page 3, line 1.

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**Strike:** subsection (3)(a) in its entirety

**Insert:** "(3)(a) Not less than 50% of the money in the account must be used by the department to defray costs of:

(i) local search and rescue units for search and rescue missions conducted through a county sheriff's office at a maximum of \$3,000 for each rescue mission, regardless of the number of counties or county search and rescue organizations involved. To fulfill the purposes of this subsection (3)(a)(i), the department shall transmit reimbursement money to the county treasurer, who shall deposit the funds in a separate search and rescue fund accessible by the local search and rescue unit that requested the reimbursement. The county treasurer shall notify the reimbursed local search and rescue unit by mail when the deposit occurs.

(ii) a county sheriff's office at a maximum of \$3,000 for each rescue mission, regardless of the number of counties or county search and rescue organizations involved."

2. Page 3, line 9.

**Following:** "units"

**Insert:** "or a county sheriff's office"

And, as amended, be concurred in. Report adopted.

**LOCAL GOVERNMENT** (Gillan, Chairman):

3/21/2007

**HB 201**, be amended as follows:

1. Title, line 6.

**Strike:** "REQUIRING" through "POLICIES;"

2. Title, lines 8 and 9.

**Strike:** "REQUIRING" on line 8 through "AND" on line 9

**Strike:** "60-2-110," on line 9

3. Title, line 10.

**Strike:** "76-2-101" through "76-3-301,"

**Insert:** "76-3-605,"

**Following:** "76-3-608,"

**Strike:** "85-1-612, AND 90-6-710,"

**Insert:** "AND 76-3-609,"

**Following:** "MCA"

**Insert:** "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

4. Page 1, line 14 through page 2, line 5.

**Strike:** section 1 in its entirety

**Renumber:** subsequent sections

5. Page 2, line 19.

**Following:** "incentives"

**Insert:** "may"

6. Page 2, line 20.

**Strike:** "reductions in utility hookup fees,"

7. Page 3, line 16.

**Strike:** ", including" through "services"

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8. Page 3, lines 18 and 19.  
**Strike:** "threats" on line 18 through "(viii)" on line 19
9. Page 3, line 20.  
**Strike:** "(ix)"  
**Insert:** "(viii)"
10. Page 3, line 22.  
**Strike:** ", in maps and text,"
11. Page 3, line 27.  
**Strike:** ", including" through "services"
12. Page 3, line 28 through line 30.  
**Strike:** "public" on line 28 through "(viii)" on line 30
13. Page 4, line 1.  
**Strike:** "(ix)"  
**Insert:** "(vii)"
14. Page 4, line 2.  
**Strike:** "land" through "incentives,"
15. Page 4, line 4.  
**Strike:** "and" through "chapter"
16. Page 4, line 5.  
**Strike:** ", in maps and text,"
17. Page 4, line 18.  
**Strike:** "and with neighboring counties"
18. Page 5, line 21.  
**Following:** "schools,"  
**Insert:** "public access areas,"
19. Page 5, line 30.  
**Following:** "facilities"  
**Insert:** ", including schools,"
20. Page 6, line 2.  
**Strike:** ", schooling, and school busing"
21. Page 6, line 4.  
**Following:** ";"  
**Strike:** "and"
22. Page 6.  
**Following:** line 6  
**Insert:** "(G) agricultural lands and agricultural production; and"

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23. Page 6, lines 12 and 13.

**Strike:** "that" on line 12 through "or" on line 13

**Following:** "adopting" on line 13

**Insert:** "or that have adopted"

24. Page 6, line 14.

**Following:** "assess"

**Insert:** "planning"

25. Page 6, line 15.

**Following:** "The"

**Insert:** "planning"

**Following:** "law"

**Insert:** "and may be collected as part of either subdivision applications or zoning permits"

26. Page 6, line 19 through page 10, line 13.

**Strike:** section 5 through section 8 in their entirety

**Insert:** "NEW SECTION. Section 4. Exemption for certain subdivisions. (1) A subdivision that meets the criteria in subsection (2) is exempt from the following requirements:

(a) preparation of an environmental assessment as required by 76-3-603;

(b) a public hearing on the subdivision application pursuant to 76-3-605; and

(c) review of the subdivision for the criteria listed in 76-3-608(3)(a).

(2) To qualify for the exemptions in subsection (1), a subdivision must meet the following criteria:

(a) the proposed subdivision is entirely within an area inside or adjacent to an incorporated city or town where the governing body has adopted a growth policy that includes the provisions of 76-1-601(4)(c);

(b) the proposed subdivision is entirely within an area subject to zoning adopted pursuant to 76-2-203 or 76-2-304 that avoids, significantly reduces, or mitigates adverse impacts identified in a growth policy that includes the provisions of 76-1-601(4)(c); and

(c) the subdivision proposal includes a description of future public facilities and services, using maps and text, that are necessary to efficiently serve the projected development."

**Insert:** "**Section 5.** Section 76-3-605, MCA, is amended to read:

**"76-3-605. Hearing on subdivision application.** (1) Except as provided in 76-3-609 [and section 4] and subject to the regulations adopted pursuant to 76-3-504(1)(o) and 76-3-615, at least one public hearing on the subdivision application must be held by the governing body, its authorized agent or agency, or both and the governing body, its authorized agent or agency, or both shall consider all relevant evidence relating to the public health, safety, and welfare, including the environmental assessment if required, to determine whether the subdivision application should be approved, conditionally approved, or denied by the governing body.

(2) When a proposed subdivision is also proposed to be annexed to a municipality, the governing body of the municipality shall hold joint hearings on the subdivision application and annexation whenever possible.

(3) Notice of the hearing must be given by publication in a newspaper of general circulation in the county not less than 15 days prior to the date of the hearing. The subdivider, each property owner of record whose property is immediately adjoining the land included in the preliminary plat, and each purchaser under contract for deed of property immediately adjoining the land included in the preliminary plat must also be notified of the hearing by registered or certified mail not less than 15 days prior to the date of the hearing.

(4) When a hearing is held by an agent or agency designated by the governing body, the agent or agency shall act in an advisory capacity and recommend to the governing body the approval, conditional approval, or denial of the proposed subdivision. This recommendation must be submitted to the governing body in writing not later than 10 working days after the public hearing.""

**Renumber:** subsequent sections

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27. Page 10, line 26.

**Following:** "~~section or~~"

**Insert:** "except when the governing body has established an exemption pursuant to subsection (6) of this section or"

**Following:** "76-3-509"

**Strike:** "or in"

**Insert:** ", [section 4], or"

**Strike:** "adverse impacts"

**Insert:** "the impact"

28. Page 11, line 7.

**Following:** "~~significant~~"

**Insert:** "significant"

29. Page 11.

**Following:** line 26

**Insert:** "(6) The governing body may exempt proposed subdivisions that are entirely within the boundaries of designated geographic areas from the review criteria in subsection (3)(a) if all of the following requirements have been met:

(a) the governing body has adopted a growth policy pursuant to chapter 1 that:

(i) addresses the criteria in subsection (3)(a);

(ii) evaluates the impact of development on the criteria in subsection (3)(a);

(iii) describes zoning regulations that will be implemented to address the criteria in subsection (3)(a);

and

(iv) identifies one or more geographic areas where the governing body intends to authorize an exemption from review of the criteria in subsection (3)(a); and

(b) the governing body has adopted zoning regulations pursuant to chapter 2, part 2 or 3, that:

(i) apply to the entire area subject to the exemption; and

(ii) address the criteria in subsection (3)(a), as described in the growth policy."

**Renumber:** subsequent subsection

30. Page 12, line 2 through page 13, line 22.

**Strike:** section 10 through section 12 in their entirety

**Insert:** "**Section 7.** Section 76-3-609, MCA, is amended to read:

**"76-3-609. Review procedure for minor subdivisions -- determination of sufficiency of application -- governing body to adopt regulations.** (1) Minor subdivisions must be reviewed as provided in this section and subject to the applicable local regulations adopted pursuant to 76-3-504.

(2) If the tract of record proposed to be subdivided has not been subdivided or created by a subdivision under this chapter or has not resulted from a tract of record that has had more than five parcels created from that tract of record under 76-3-201 or 76-3-207 since July 1, 1973, then the proposed subdivision is a first minor subdivision from a tract of record and, when legal and physical access to all lots is provided, must be reviewed as follows:

(a) Except as provided in subsection (2)(b), the governing body shall approve, conditionally approve, or deny the first minor subdivision from a tract of record within 35 working days of a determination by the reviewing agent or agency that the application contains required elements and sufficient information for review. The determination and notification to the subdivider must be made in the same manner as is provided in 76-3-604(1) through (3).

(b) The subdivider and the reviewing agent or agency may agree to an extension or suspension of the review period, not to exceed 1 year.

(c) Except as provided in subsection (2)(d)(iii), an application must include a summary of the probable

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impacts of the proposed subdivision based on the criteria described in 76-3-608(3).

(d) The following requirements do not apply to the first minor subdivision from a tract of record as provided in subsection (2):

- (i) the requirement to prepare an environmental assessment;
- (ii) the requirement to hold a hearing on the subdivision application pursuant to 76-3-605; and
- (iii) the requirement to review the subdivision for the criteria contained in 76-3-608(3)(a) if the minor subdivision is proposed in the portion of a jurisdictional area that has adopted zoning regulations that address the criteria in 76-3-608(3)(a).

(e) The governing body may adopt regulations that establish requirements for the expedited review of the first minor subdivision from a tract of record. The following apply to a proposed subdivision reviewed under the regulations:

- (i) 76-3-608(3); and
  - (ii) the provisions of Title 76, chapter 4, part 1, whenever approval is required by those provisions.
- (3) Except as provided in [section 4] and subsection (4) of this section, any minor subdivision that is not a first minor subdivision from a tract of record, as provided in subsection (2), is a subsequent minor subdivision and must be reviewed as provided in 76-3-601 through 76-3-605, 76-3-608, 76-3-610 through 76-3-614, and 76-3-620.

(4) The governing body may adopt subdivision regulations that establish requirements for review of subsequent minor subdivisions that meet or exceed the requirements that apply to the first minor subdivision, as provided in subsection (2) and this chapter.

(5) (a) Review and approval, conditional approval, or denial of a subdivision under this chapter may occur only under those regulations in effect at the time that a subdivision application is determined to contain sufficient information for review as provided in subsection (2).

(b) If regulations change during the period that the application is reviewed for required elements and sufficient information, the determination of whether the application contains the required elements and sufficient information must be based on the new regulations.""

**Renumber:** subsequent sections

31. Page 13, line 24.

**Following:** "instruction."

**Insert:** "(1)"

**Strike:** "4"

**Insert:** "3"

32. Page 13, line 25.

**Following:** "section"

**Strike:** "4"

**Insert:** "3"

33. Page 13.

**Following:** line 25

**Insert:** "(2) [Section 4] is intended to be codified as an integral part of Title 76, chapter 3, part 6, and the provisions of Title 76, chapter 3, part 6, apply to [section 4]."

**Insert:** "NEW SECTION. Section 9. Effective date. [This act] is effective on passage and approval."

And, as amended, be concurred in. Report adopted.

**HB 456**, be amended as follows:

1. Page 23, line 2.



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**Following:** "tenant"

**Insert:** "and each known party having a lien or encumbrance of record"

2. Page 23, line 20.

**Following:** "sale and"

**Insert:** ", subject to any prior security interest of record,"

3. Page 25, line 20.

**Following:** "premises."

**Insert:** "The sale proceeds are subject to any prior security interest of record."

And, as amended, be concurred in. Report adopted.

**HB 524**, be amended as follows:

1. Title, page 1, line 5.

**Strike:** "CONTAIN"

**Insert:** "HAVE"

2. Title, page 1, line 6.

**Strike:** "250"

**Insert:** "200"

**Following:** "INHABITANTS"

**Insert:** "PER SQUARE MILE OF LAND AREA"

3. Page 1, line 20.

**Strike:** "may not exceed 1 square mile in land area."

**Strike:** "A ward"

**Strike:** "250"

**Insert:** "200"

4. Page 1, line 21.

**Strike:** line 21 in its entirety

**Insert:** "for each square mile of land area."

And, as amended, be concurred in. Report adopted.

**HB 596**, be concurred in. Report adopted.

**HB 795**, be concurred in. Report adopted.

**HB 2369**, be amended as follows:

1. Page 1, line 16.

**Following:** "valuation of a county"

**Insert:** "and not exceeding the limits on county indebtedness established in 7-7-2101"

And, as amended, be concurred in. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

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**House bill** passed and transmitted to the Senate for concurrence: 3/20/2007  
**HB 536**, introduced by Becker

**House bill** passed and transmitted to the Senate for concurrence: 3/20/2007  
**HB 31**, introduced by Kottel

**House bill** passed and transmitted to the Senate for concurrence: 3/20/2007  
**HB 149**, introduced by Jopek

**House bill** passed and transmitted to the Senate for concurrence: 3/20/2007  
**HB 193**, introduced by Nooney

**House joint resolution** passed and transmitted to the Senate for concurrence: 3/20/2007  
**HJR 20**, introduced by Milburn

**SECOND READING OF BILLS**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Esp in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 120** - Senator Ryan moved **HB 120**, second reading copy, be amended as follows:

1. Title, line 6.

**Following:** "EXEMPTING"

**Insert:** "CERTAIN"

**Strike:** "WITH A 2-YEAR OR 3-YEAR LICENSE"

2. Page 1, line 27.

**Following:** "(4)"

**Insert:** "(a)"

3. Page 1, line 28.

**Strike:** "THE"

**Insert:** "Subject to subsection (4)(b), the"

4. Page 1, line 29.

**Following:** "BASIS"

**Insert:** "."

**Strike:** "AND"

**Insert:** "(b) The department"

5. Page 1, line 30.

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**Following:** "52-2-721"

**Insert:** "or that have successfully passed inspections for 10 consecutive years"

Amendment adopted unanimously.

**HB 120** - Senator Moss moved **HB 120**, as amended, be concurred in. Motion carried unanimously.

**HB 503** - Senator Hansen moved **HB 503** be concurred in. Motion carried unanimously.

**HB 409** - Senator Brueggeman moved **HB 409** be concurred in. Motion carried with Senator O'Neil voting nay.

**HB 412** - Senator Moss moved consideration of **HB 412** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**HB 633** - Senator J. Tropila moved **HB 633**, second reading copy, be amended as follows:

1. Title, line 13.

**Strike:** the first "AND"

2. Title, line 14.

**Following:** "MCA"

**Insert:** "; AND PROVIDING AN EFFECTIVE DATE"

3. Page 4.

**Following:** line 15

**Insert:** "NEW SECTION. Section 3. Effective date. [This act] is effective July 1, 2007."

Amendment adopted unanimously.

**HB 633** - Senator J. Tropila moved **HB 633**, as amended, be concurred in. Motion carried with Senator Hansen, Smith voting nay.

**HB 363** - Senator Ryan moved **HB 363** be concurred in. Motion carried as follows:

Yeas: Bales, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 41

Nays: Balyeat, Barkus, Brown, Essmann, McGee, O'Neil, Perry, Shockley, Stapleton.

Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 22** - Senator Gillan moved **HB 22** be concurred in. Motion carried unanimously.

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**HB 555** - Senator Kaufmann moved **HB 555** be concurred in. Motion carried as follows:

Yeas: Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 33

Nays: Bales, Balyeat, Barkus, Black, Brown, Cobb, Gebhardt, Jackson, McGee, O'Neil, Stapleton, Steinbeisser, Story, Tash, J.Tropila.  
Total 15

Absent or not voting: Gillan, Moss.  
Total 2

Excused: None.  
Total 0

**HB 703** - Senator Wanzenried moved **HB 703** be concurred in. Motion carried as follows:

Yeas: Bales, Black, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 41

Nays: Balyeat, Barkus, Brown, Curtiss, Jackson, Lind, McGee, Shockley, Stapleton.  
Total 9

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Esp moved the Committee of the Whole report be adopted. Report adopted unanimously.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 64** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

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Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 92** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 48

Nays: McGee, Stapleton.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 521** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 48

Nays: Kaufmann, Shockley.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 105** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 45

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Nays: Jackson, McGee, Stapleton, Steinbeisser, Story.  
Total 5

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 177** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 207** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 83** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg,

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Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 400** concurred in as follows:

Yeas: Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Gillan, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 43

Nays: Bales, Balyeat, Barkus, Gallus, Hansen, McGee, Stapleton.  
Total 7

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1:00 p.m., Thursday, March 22, 2007. Motion carried.

Senate adjourned at 3:06 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

**SENATE JOURNAL  
60TH LEGISLATURE  
SIXTY-FIRST LEGISLATIVE DAY**

Helena, Montana  
March 22, 2007

Senate Chambers  
State Capitol

Senate convened at 1:00 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 43

Nays: Balyeat, Brown, Gebhardt, Jackson, McGee, O'Neil, Shockley.  
Total 7

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**REPORTS OF STANDING COMMITTEES**

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Cocchiarella, Chairman): 3/23/2007  
**HB 497**, be concurred in. Report adopted.  
**HB 756**, be concurred in. Report adopted.  
**HB 770**, be concurred in. Report adopted.

**NATURAL RESOURCES AND ENERGY** (Lind, Chairman): 3/23/2007  
**HB 37**, be concurred in. Report adopted.  
**HB 526**, be amended as follows:

1. Page 2, line 13 through line 17.

**Following:** "Subdivision" on line 13

**Strike:** "means" on line 13 through "subdivision is" on line 17

**Insert:** "has the meaning provided for in 76-3-103. The definition includes subdivisions that may be"

And, as amended, be concurred in. Report adopted.

**HB 664**, be concurred in. Report adopted.

**TAXATION** (Elliott, Chairman): 3/23/2007  
**HB 174**, be amended as follows:

1. Title, line 7 through line 11.



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**Strike:** the second "CLARIFYING" on line 7 through "LAW;" on line 11

2. Title, line 12 through line 13.

**Strike:** "PROVIDING" on line 12 through "REPORTING;" on line 13

3. Title, line 20.

**Following:** "REVENUE;"

**Insert:** "DIRECTING CIGARETTE TAX APPEALS TO THE DEPARTMENT OF REVENUE;"

4. Title, line 21.

**Strike:** "15-30-101,"

**Strike:** "15-30-135,"

**Strike:** "15-30-137,"

5. Title, line 22.

**Following:** "15-39-107,"

**Strike:** "17-7-502,"

**Insert:** "16-11-149,"

6. Title, line 23.

**Strike:** "REPEALING SECTION 15-1-113, MCA;"

7. Page 3, line 10.

**Following:** "(2)(a)"

**Insert:** "(i)"

**Strike:** "subsection"

**Insert:** "subsections (2)(a)(ii) and"

8. Page 3, line 11.

**Strike:** "1%"

**Insert:** "0.5%"

**Strike:** "or fraction of a month"

9. Page 3, line 12.

**Strike:** "10%"

**Insert:** "12%"

10. Page 3.

**Following:** line 12

**Insert:** "(ii) A penalty under this subsection (2)(a) may not be imposed on a taxpayer subject to taxation under 15-30-103 if, subject to the conditions of 15-30-241(1)(a)(i), the taxpayer pays, when due, at least 90% of the tax for the current year."

11. Page 3, line 14.

**Strike:** "or fraction of a month"

12. Page 3.

**Following:** line 15

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**Insert:** "(c) The penalties provided in subsections (2)(a) and (2)(b) on delinquent taxes and on deficiency assessments are computed from the original due date of the return until the tax is paid. The penalty accrues daily on the unpaid tax from the original due date of the return regardless of whether the taxpayer has received an extension of time for filing the return."

**Renumber:** subsequent subsections

13. Page 3, line 18.

**Strike:** "\$1,500"

**Insert:** "\$2,500"

14. Page 3, line 22.

**Strike:** "(2)(c)(iv)"

**Insert:** "subsection (2)(d)(iv)"

15. Page 3, line 27 through page 4, line 2.

**Strike:** subsection (d) and subsection (3) in their entirety

**Renumber:** subsequent subsections

16. Page 4, line 9.

**Following:** "return or"

**Insert:** "purposely or knowingly"

17. Page 4, line 14.

**Following:** "return or"

**Insert:** "purposely or knowingly"

18. Page 4, line 17.

**Strike:** "(6)(a)(i)"

**Insert:** "(5)(a)(i)"

19. Page 4, line 18.

**Strike:** "(6)(a)"

**Insert:** "(5)(a)"

20. Page 4, line 23.

**Strike:** "or 8%, whichever is greater"

21. Page 4, line 25.

**Following:** "12%"

**Insert:** "a year"

22. Page 4, line 29.

**Strike:** "(7)(b)"

**Insert:** "(6)(b)"

23. Page 5, line 12.

**Strike:** "(6)(a)(i)"

**Insert:** "(5)(a)(i)"

**Strike:** "(7)(a)"

**Insert:** "(6)(a)"

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24. Page 5, line 15 through page 10, line 20.

**Strike:** section 4 in its entirety

**Renumber:** subsequent sections

25. Page 12, line 11 through page 13, line 26.

**Strike:** section 6 in its entirety

**Renumber:** subsequent sections

26. Page 15, line 9 through page 16, line 11.

**Strike:** section 8 in its entirety

**Renumber:** subsequent sections

27. Page 17, line 17.

**Following:** "of the"

**Insert:** "determination of the"

28. Page 17, line 26.

**Strike:** "(a)"

29. Page 17, line 27.

**Strike:** "Except" through "interest"

**Insert:** "Interest"

30. Page 18, line 5.

**Strike:** "(i)"

**Insert:** "(a)"

**Renumber:** subsequent subsections

31. Page 18, line 9 through line 10.

**Strike:** subsection (b) in its entirety

32. Page 21, line 16.

**Strike:** "₂"

33. Page 21, line 17.

**Strike:** "chapter 12"

34. Page 23, line 4.

**Strike:** ", chapter 12"

35. Page 24, line 9.

**Strike:** "(a)"

36. Page 24, line 12.

**Strike:** "(b)"

**Insert:** "(2)"

**Following:** "15-39-102"

**Strike:** "and"

**Insert:** "or"

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37. Page 24, line 13.

**Strike:** "a penalty"

**Insert:** "penalties"

38. Page 24, line 15 through line 16.

**Strike:** subsection (2) in its entirety

39. Page 24, line 25.

**Insert:** "Section 15. Section 16-11-149, MCA, is amended to read:

**"16-11-149. Hearings before ~~state tax appeal board~~ department.** A person aggrieved by any action of the department or its authorized agents taken to enforce the tax provisions of this part, except for a revocation of a license pursuant to 16-11-144, may apply to the ~~state tax appeal board~~ department, in writing, for a hearing or rehearing within 30 days after the action of the department or its authorized agents. The ~~board~~ department shall promptly consider the application, set the application for hearing, and notify the applicant of the time and place fixed for the hearing or rehearing, which may be at its office or in the county of the applicant. After the hearing or rehearing, the ~~board~~ department may make any further or other order in the premises as it may consider proper and lawful and shall furnish a copy to the applicant. The department, on its own initiative, may order a contested case hearing on any matter concerned with licensing, as defined in 2-4-102, in connection with the administration of this part upon at least 10 days' notice in writing to the person or persons to be investigated. A final order by the department may be appealed to the state tax appeal board."

**Renumber:** subsequent sections

40. Page 24, line 26 through page 25, line 27.

**Strike:** section 18 in its entirety

**Renumber:** subsequent sections

41. Page 26, line 10.

**Strike:** section 20 in its entirety

**Renumber:** subsequent sections

42. Page 26, line 14.

**Strike:** "subsection"

**Insert:** "subsections"

**Following:** "(2)"

**Insert:** "and (3)"

43. Page 26, line 16.

**Strike:** "3(5)"

**Insert:** "3(4)"

**Strike:** ", amending subsection (5) of 15-1-216,"

44. Page 26.

**Following:** line 17

**Insert:** "(3) [Sections 2, 9, and 10] apply on [the effective date of this act]."

And, as amended, be concurred in. Report adopted.

**HB 469**, be concurred in. Report adopted.

**HB 549**, be concurred in. Report adopted.

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**MESSAGES FROM THE OTHER HOUSE**

<b>House bill</b> returned to Senate concurred:	3/21/2007
<b>HB 86</b> , introduced by Musgrove	
<b>Senate bill</b> returned to Senate concurred:	3/21/2007
<b>SB 45</b> , introduced by Weinberg	
<b>Senate bill</b> returned to Senate concurred:	3/21/2007
<b>SB 108</b> , introduced by Cocchiarella	
<b>Senate bill</b> returned to Senate concurred:	3/21/2007
<b>SB 319</b> , introduced by Cocchiarella	
<b>Senate bill</b> returned to Senate concurred:	3/21/2007
<b>SB 323</b> , introduced by Laslovich	

**MOTIONS**

**SEN. DON RYAN, SD 10, GREAT FALLS** moved **HB 363** be taken off of third reading for reconsideration of action and placed on second reading today. Motion carried.

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bill was introduced, read first time, and referred to committee:

**SB 560**, introduced by Kaufmann, Erickson, referred to Public Health, Welfare and Safety.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Elliott in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 496** - Senator Esp moved **HB 496**, second reading copy, be amended as follows:

1. Title, line 4.

**Following:** "NURSES"

**Insert:** "OR LICENSED PHYSICIAN ASSISTANTS"

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2. Page 2, line 1.

**Following:** "physician"

**Insert:** ", licensed physician assistant,"

3. Page 3, line 28.

**Following:** "physician"

**Insert:** ", licensed physician assistant,"

4. Page 5, line 15.

**Following:** "physician"

**Insert:** ", licensed physician assistant,"

5. Page 5, line 27.

**Following:** "physician,"

**Insert:** "licensed physician assistant,"

6. Page 6, line 5.

**Following:** "physician"

**Insert:** ", licensed physician assistant,"

7. Page 6, line 19.

**Following:** "physician"

**Insert:** ", licensed physician assistant,"

8. Page 6, line 26.

**Following:** "physician"

**Insert:** ", licensed physician assistant,"

9. Page 7, line 8.

**Following:** "physician"

**Insert:** ", licensed physician assistant,"

Amendment adopted unanimously.

**HB 496** - Senator Wanzenried moved **HB 496**, as amended, be concurred in. Motion carried with Senator McGee voting nay.

**HB 724** - Senator Gillan moved **HB 724** be concurred in. Motion carried with Senator Balyeat, O'Neil voting nay.

**HB 717** - Senator Tash moved **HB 717** be concurred in. Motion carried unanimously.

**HB 759** - Senator Bales moved **HB 759** be concurred in. Motion carried unanimously.

**HB 397** - Senator Pease moved **HB 397** be concurred in. Motion carried with Senator Juneau voting nay.

**HB 596** - Senator Hawks moved **HB 596** be concurred in. Motion carried with Senator Barkus, Balyeat, Shockley, Jackson, McGee voting nay.

**HB 795** - Senator Gebhardt moved **HB 795** be concurred in. Motion carried with Senator Brown, Balyeat,

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Barkus, Jackson voting nay.

**HB 98** - Senator Cobb moved **HB 98** be concurred in. Motion carried unanimously.

**HB 117** - Senator Schmidt moved **HB 117** be concurred in. Motion carried with Senator McGee voting nay.

**HB 118** - Senator Lind moved **HB 118** be concurred in. Motion carried as follows:

Yeas: Black, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Story, Tash, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 36

Nays: Bales, Balyeat, Barkus, Brown, Curtiss, Essmann, Gebhardt, Jackson, Lewis, McGee, O'Neil, Stapleton, Steinbeisser, J.Tropila.  
Total 14

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 91** - Senator Williams moved **HB 91** be concurred in. Motion carried unanimously.

**HB 361** - Senator O'Neil moved **HB 361**, second reading copy, be amended as follows:

1. Title, line 6.

**Following:** "STATES;"

**Insert:** "REVISING MARRIAGE LICENSE FEES FOR PROXY MARRIAGES;"

2. Title, line 7.

**Following:** "SECTIONS"

**Insert:** "25-1-201,"

**Following:** "40-1-202"

**Insert:** ", "

3. Page 1, line 10.

**Following:** line 9

**Insert:** "**Section 1.** Section 25-1-201, MCA, is amended to read:

**"25-1-201. Fees of clerk of district court.** (1) The clerk of district court shall collect the following fees:

(a) at the commencement of each action or proceeding, except a petition for dissolution of marriage, from the plaintiff or petitioner, \$90; for filing a complaint in intervention, from the intervenor, \$80; for filing a petition for dissolution of marriage, \$170; for filing a petition for legal separation, \$150; and for filing a petition for a contested amendment of a final parenting plan, \$120;

(b) from each defendant or respondent, on appearance, \$60;

(c) on the entry of judgment, from the prevailing party, \$45;

(d) (i) except as provided in subsection (1)(d)(ii), for preparing copies of papers on file in the clerk's office, \$1 a page for the first 10 pages of each file, for each request, and 50 cents for each additional page;

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- (ii) for a copy of a marriage license, \$5, and for a copy of a dissolution decree, \$10;
  - (e) for each certificate, with seal, \$2;
  - (f) for oath and jurat, with seal, \$1;
  - (g) for a search of court records, \$2 for each name for each year searched, for a period of up to 7 years, and an additional \$1 for each name for any additional year searched;
  - (h) for filing and docketing a transcript of judgment or transcript of the docket from all other courts, the fee for entry of judgment provided for in subsection (1)(c);
  - (i) for issuing an execution or order of sale on a foreclosure of a lien, \$5;
  - (j) for transmission of records or files or transfer of a case to another court, \$5;
  - (k) for filing and entering papers received by transfer from other courts, \$10;
  - (l) for issuing a marriage license, \$53, except for issuing a marriage license for a double proxy wedding, \$1,000;
  - (m) on the filing of an application for informal, formal, or supervised probate or for the appointment of a personal representative or the filing of a petition for the appointment of a guardian or conservator, from the applicant or petitioner, \$70, which includes the fee for filing a will for probate;
  - (n) on the filing of the items required in 72-4-303 by a domiciliary foreign personal representative of the estate of a nonresident decedent, \$55;
  - (o) for filing a declaration of marriage without solemnization, \$53;
  - (p) for filing a motion for substitution of a judge, \$100;
  - (q) for filing a petition for adoption, \$75.
- (2) Except as provided in subsections (3) and (5) through (7), fees collected by the clerk of district court must be deposited in the state general fund as specified by the supreme court administrator.
- (3) (a) Of the fee for filing a petition for dissolution of marriage, \$5 must be deposited in the children's trust fund account established in 52-7-102, \$19 must be deposited in the civil legal assistance for indigent victims of domestic violence account established in 3-2-714, and \$30 must be deposited in the partner and family member assault intervention and treatment fund established in 40-15-110.
- (b) Of the fee for filing a petition for legal separation, \$5 must be deposited in the children's trust fund account established in 52-7-102 and \$30 must be deposited in the partner and family member assault intervention and treatment fund established in 40-15-110.
- (4) If the moving party files a statement signed by the nonmoving party agreeing not to contest an amendment of a final parenting plan at the time the petition for amendment is filed, the clerk of district court may not collect from the moving party the fee for filing a petition for a contested amendment of a parenting plan under subsection (1)(a).
- (5) Of the fee for filing an action or proceeding, except a petition for dissolution of marriage, \$9 must be deposited in the civil legal assistance for indigent victims of domestic violence account established in 3-2-714.
- (6) The fees collected under subsections (1)(d), (1)(g), and (1)(j) must be deposited in the county district court fund. If a district court fund does not exist, the fees must be deposited in the county general fund to be used for district court operations.
- (7) Of the fee for issuance of a marriage license and the fee for filing a declaration of marriage without solemnization, \$13 must be deposited in the domestic violence intervention account established by 44-4-310 and \$10 must be deposited in the county district court fund. If a district court fund does not exist, the fees must be deposited in the county general fund to be used for district court operations.
- (8) Any filing fees, fines, penalties, or awards collected by the district court or district court clerk not otherwise specifically allocated must be deposited in the state general fund."

**Renumber:** subsequent sections

4. Page 1, line 12.

**Following:** "issuance."

**Insert:** "(1)"

5. Page 1, line 14.



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**Following:** "fee"

**Strike:** "of \$53"

**Insert:** "required under subsection (2)"

6. Page 1, line 16.

**Strike:** "(1)"

**Insert:** "(a)"

7. Page 1, line 19.

**Strike:** "(2)"

**Insert:** "(b)"

8. Page 1, line 20.

**Strike:** "(3)"

**Insert:** "(c)"

9. Page 1, line 21.

**Following:** line 20

**Insert:** "(2) (a) Except as provided in subsection (2)(b), the fee for issuance of a marriage license is \$53.

(b) The fee for issuance of a marriage license for a marriage to be solemnized by proxy in which neither party to the marriage is to be present in person is \$1,000 unless either of the absent parties is a member of the armed forces of the United States on federal active duty, in which case the license fee is waived in its entirety."

Amendment **not** adopted as follows:

Yeas: Balyeat, Barkus, Cobb, Curtiss, Esp, Essmann, Gallus, Gebhardt, Jackson, Juneau, Kaufmann, Murphy, O'Neil, Ryan, M.Tropila.

Total 15

Nays: Bales, Black, Brown, Brueggeman, Cocchiarella, Elliott, Gillan, Hansen, Harrington, Hawks, Jent, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Pease, Perry, Peterson, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 35

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 361** - Senator Shockley moved **HB 361**, second reading copy, be amended as follows:

1. Title, line 6.

**Following:** "RESIDENT OF"

**Strike:** "THE UNITED STATES"

**Insert:** "MONTANA"

2. Page 2, line 9.

**Following:** "RESIDENT OF"

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**Strike:** "THE UNITED STATES"

**Insert:** "Montana"

Amendment adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Elliott, Esp, Essmann, Gillan, Hansen, Hawks, Jackson, Jent, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Weinberg, Williams, Mr. President.

Total 39

Nays: Cobb, Cocchiarella, Gallus, Gebhardt, Harrington, Juneau, Kaufmann, O'Neil, Smith, Squires, Wanzenried.

Total 11

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 361** - Senator McGee moved **HB 361**, second reading copy, be amended as follows:

1. Page 1, line 12.

**Following:** "~~When~~"

**Insert:** "(1)"

2. Page 1, line 13.

**Following:** "has"

**Insert:** "personally"

3. Page 1, line 16.

**Strike:** "(1)"

**Insert:** "(a)"

4. Page 1, line 19.

**Strike:** "(2)"

**Insert:** "(b)"

5. Page 1, line 20.

**Strike:** "(3)"

**Insert:** "(c)"

6. Page 1, line 21.

**Following:** line 20

**Insert:** "(2) The requirement of personal appearance under this section may not be satisfied by a designated legal representative or attorney."

7. Page 1, line 29.

**Following:** "If"

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**Strike:** "a"  
**Insert:** "one"  
**Following:** "he"  
**Strike:** "the"  
**Insert:** "that"

8. Page 2, line 10.

**Following:** "party"  
**Strike:** "or a legal representative"  
**Insert:** "to a proxy marriage"

Amendment **not** adopted as follows:

Yeas: Bales, Balyeat, Barkus, Brown, Brueggeman, Curtiss, Elliott, Esp, Essmann, Jent, Lind, McGee, Perry, Ryan, Smith, Stapleton, Steinbeisser, J.Tropila, Weinberg.  
Total 19

Nays: Black, Cobb, Cocchiarella, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, O'Neil, Pease, Peterson, Schmidt, Shockley, Squires, Story, Tash, M.Tropila, Wanzenried, Williams, Mr. President.  
Total 31

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 361** - Senator Shockley moved **HB 361**, as amended, be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Black, Brueggeman, Curtiss, Elliott, Esp, Essmann, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Weinberg, Williams, Mr. President.  
Total 39

Nays: Barkus, Brown, Cobb, Cocchiarella, Gallus, Juneau, Kaufmann, McGee, O'Neil, Stapleton, Wanzenried.  
Total 11

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Elliott moved the Committee of the Whole report be adopted. Report adopted unanimously.

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**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 120** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: Gillan.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 503** concurred in as follows:

Yeas: Bales, Balyeat, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 47

Nays: Barkus, McGee, Stapleton.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 409** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: O'Neil.

Total 1

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 633** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Harrington, Hawks, Jackson, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 47

Nays: Hansen, Juneau, Smith.  
Total 3

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 22** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: Curtiss.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 555** concurred in as follows:

Yeas: Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Schmidt, Shockley, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 36

Nays: Bales, Balyeat, Barkus, Black, Esp, Gebhardt, Jackson, McGee, O'Neil, Ryan, Stapleton, Steinbeisser, Story, Tash.

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Total 14

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 703** concurred in as follows:

Yeas: Bales, Balyeat, Black, Brueggeman, Cobb, Cocchiarella, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 43

Nays: Barkus, Brown, Curtiss, Esp, Jackson, Lind, McGee.

Total 7

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1:00 p.m., Friday, March 23, 2007. Motion carried.

Senate adjourned at 2:25 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

**SENATE JOURNAL  
60TH LEGISLATURE  
SIXTY-SECOND LEGISLATIVE DAY**

Helena, Montana  
March 23, 2007

Senate Chambers  
State Capitol

Senate convened at 1:00 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. Senator Ryan excused. Quorum present.

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 41

Nays: Balyeat, Brown, Essmann, Gebhardt, Jackson, McGee, O'Neil, Shockley.

Total 8

Absent or not voting: None.

Total 0

Excused: Ryan.

Total 1

**REPORTS OF STANDING COMMITTEES**

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Cocchiarella, Chairman):

3/23/2007

**HB 616**, be amended as follows:

1. Title, line 7.

**Following:** "23-5-802,"

**Strike:** "AND"

**Following:** "23-5-805,"

**Insert:** "AND 23-5-806,"

2. Page 1.

**Following:** line 24

**Insert:** "(8) "Parimutuel network" means an association licensed by the board to compile and distribute fantasy sports league rosters and weekly point totals for licensed parimutuel facilities and to manage statewide parimutuel wagering pools on fantasy sports leagues."

**Renumber:** subsequent subsections

3. Page 2, line 6 through line 7.

**Following:** "simulcast facilities," on line 6

**Strike:** "compile" on line 6 through "and to" on line 7

**Insert:** "and"

4. Page 2, line 8.

**Following:** "races"

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**Strike:** "and"

**Insert:** ". A simulcast parimutuel network may be licensed by the board to operate a statewide parimutuel wagering pool for"

5. Page 3, line 6.

**Following:** "or"

**Strike:** "operate as"

**Insert:** "conduct fantasy sports league wagering through"

**Following:** "facility"

**Insert:** ", parimutuel network, or a simulcast parimutuel network"

6. Page 5, line 1 through line 2.

**Following:** "(1)"

**Insert:** "(a)"

**Strike:** "or operating" on line 1 through "wagering" on line 2

7. Page 5.

**Following:** line 3

**Insert:** "(b) A person operating a parimutuel facility, parimutuel network, or simulcast parimutuel network that conducts fantasy sports league wagering without first being licensed under this chapter or a person violating this chapter is guilty of a misdemeanor."

8. Page 6, line 1.

**Following:** "facilities"

**Insert:** ", parimutuel networks, simulcast parimutuel networks,"

9. Page 7, line 2 through line 4.

**Strike:** subsection (8) in its entirety

10. Page 8, line 10.

**Strike:** "Each"

**Insert:** "The"

**Strike:** "facility"

**Insert:** "network"

11. Page 8, line 15.

**Strike:** "simulcast"

12. Page 8, line 22.

**Strike:** "simulcast"

13. Page 10, line 11.

**Strike:** "Each"

**Insert:** "The"

**Strike:** "facility"

**Insert:** "network"

14. Page 10, line 15.

**Following:** "live"

**Insert:** "race"



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15. Page 10, line 29.

**Strike:** "(a)"

16. Page 10, line 30.

**Following:** "drawings"

**Strike:** "or"

**Insert:** ", "

17. Page 11, line 1.

**Following:** "process"

**Strike:** "."

**Insert:** ", or"

18. Page 11, line 2 through line 4.

**Strike:** "(b)" on line 2 through "participants" on line 4

**Insert:** "by selection"

**Strike:** "simulcast" on line 4

19. Page 11, line 5.

**Strike:** "by a parimutuel facility"

**Insert:** "under Title 23, chapter 4"

20. Page 11, line 13.

**Strike:** "simulcast"

21. Page 11, line 20 through line 21.

**Strike:** "conducted" on line 20 through "horseracing" on line 21

**Insert:** "operated under a parimutuel system of wagering regulated"

22. Page 12, line 1.

**Strike:** "A"

**Insert:** "The"

**Strike:** "facility"

**Insert:** "network"

23. Page 12.

**Following:** line 2

**Insert:** "Section 11. Section 23-5-806, MCA, is amended to read:

**"23-5-806. Sports betting prohibited -- applicability.** Sections 23-5-801, 23-5-802, and 23-5-805 do not:

(1) authorize betting or wagering on the outcome of an individual sports event; or

(2) apply to gambling activities governed under Title 23, chapter 4, except for parimutuel facilities, parimutuel networks, or simulcast parimutuel networks conducting fantasy sports leagues, or under Title 23, chapter 5, part 2 or 5, of this title."

And, as amended, be concurred in. Report adopted.

**HB 764**, be amended as follows:

1. Title, line 7.

**Following:** "PROTECT"

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**Insert:** "ACTIVE DUTY"

2. Page 1, line 19.

**Following:** the first "of"

**Insert:** "active duty"

3. Page 2, line 8.

**Following:** "protect"

**Insert:** "active duty"

4. Page 2, line 16.

**Following:** the second "to"

**Insert:** "active duty"

5. Page 2, line 28.

**Following:** "protect"

**Insert:** "active duty"

And, as amended, be concurred in. Report adopted.

**FISH AND GAME** (Tropila, Chairman):

3/23/2007

**HB 284**, be concurred in. Report adopted.

**HB 450**, be concurred in. Report adopted.

**HJR 35**, be concurred in. Report adopted.

**JUDICIARY** (Laslovich, Chairman):

3/23/2007

**HB 579**, be concurred in. Report adopted.

**HB 683**, be amended as follows:

1. Title, line 8.

**Strike:** "SECTION"

**Insert:** "SECTIONS 50-9-106 AND"

2. Page 1, line 11.

**Following:** line 10

**Insert:** "Section 1. Section 50-9-106, MCA, is amended to read:

**"50-9-106. Consent by others to withholding or withdrawal of treatment.** (1) If a written consent to the withholding or withdrawal of the treatment, witnessed by two individuals, is given to the attending physician or attending advanced practice registered nurse, the attending physician or attending advanced practice registered nurse may withhold or withdraw life-sustaining treatment from an individual who:

(a) has been determined by the attending physician or attending advanced practice registered nurse to be in a terminal condition and no longer able to make decisions regarding administration of life-sustaining treatment; and

(b) has no effective declaration.

(2) The authority to consent or to withhold consent under subsection (1) may be exercised by the following individuals, in order of priority:

(a) the spouse of the individual;

(b) an adult child of the individual or, if there is more than one adult child, a majority of the adult children who are reasonably available for consultation;

(c) the parents of the individual;

(d) an adult sibling of the individual or, if there is more than one adult sibling, a majority of the adult

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siblings who are reasonably available for consultation; or

(e) the nearest other adult relative of the individual by blood or adoption who is reasonably available for consultation.

(3) A full guardian may consent or withhold consent under subsection (1) as provided in 72-5-321.

~~(3)~~(4) If a class entitled to decide whether to consent is not reasonably available for consultation and competent to decide or if it declines to decide, the next class is authorized to decide. However, an equal division in a class does not authorize the next class to decide.

~~(4)~~(5) A decision to grant or withhold consent must be made in good faith. A consent is not valid if it conflicts with the expressed intention of the individual.

~~(5)~~(6) A decision of the attending physician or attending advanced practice registered nurse acting in good faith that a consent is valid or invalid is conclusive.

~~(6)~~(7) Life-sustaining treatment cannot be withheld or withdrawn pursuant to this section from an individual known to the attending physician or attending advanced practice registered nurse to be pregnant so long as it is probable that the fetus will develop to the point of live birth with continued application of life-sustaining treatment.""

**Renumber:** subsequent section

And, as amended, be concurred in. Report adopted.

**LOCAL GOVERNMENT** (Gillan, Chairman):  
**HB 510**, be concurred in. Report adopted.

3/23/2007

**STATE ADMINISTRATION** (Squires, Chairman):  
**HB 532**, be concurred in. Report adopted.  
**HB 803**, be concurred in. Report adopted.  
**HJR 4**, be concurred in. Report adopted.  
**HJR 7**, be concurred in. Report adopted.

3/23/2007

**TAXATION** (Elliott, Chairman):  
**SB 553**, introduced bill, be amended as follows:

3/23/2007

1. Title, line 6.

**Following:** "AREAS"

**Insert:** "OR FOR UNDERSERVED POPULATIONS"

2. Page 2, lines 1 and 2.

**Strike:** "incentive" on line 1 through "areas" on line 2

3. Page 2, lines 6 and 7.

**Strike:** "incentive" on line 6 through "areas" on line 7

4. Page 2, lines 9 and 10.

**Strike:** "incentive" on line 9 through "areas" on line 10

5. Page 2, lines 12 and 13.

**Strike:** "incentive" on line 12 through the second "areas" on line 13

6. Page 2, line 17.

**Following:** "areas"

**Insert:** "or for underserved populations"

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7. Page 2, line 18.

**Following:** the second "areas"

**Insert:** "or for underserved populations"

8. Page 2, line 29.

**Strike:** "incentive" through the second "areas"

9. Page 3, lines 4 and 5.

**Following:** "areas"

**Insert:** "or for underserved populations"

**Strike:** "incentive" on line 4 through the second "areas" on line 5

**Following:** "account"

**Insert:** "established in 20-26-1501"

10. Page 3, line 7.

**Following:** "areas"

**Insert:** "or for medically underserved populations"

11. Page 3, lines 9 and 10.

**Strike:** "for" on line 9 through the second "areas" on line 10

12. Page 3, line 13.

**Following:** "areas"

**Insert:** "or populations"

**Following:** "area"

**Insert:** "or eligible population"

13. Page 3, line 14.

**Following:** "area"

**Insert:** "or population"

14. Page 3, line 16.

**Following:** "area"

**Insert:** "or serving a population"

15. Page 3, line 21.

**Following:** "area"

**Insert:** "or serve the eligible population"

16. Page 3, line 23.

**Following:** "area"

**Insert:** "or for a medically underserved population"

17. Page 3, line 26.

**Strike:** "incentive" through the second "areas"

18. Page 3, line 27.

**Following:** "account"

**Insert:** "established in 20-26-1501"

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19. Page 4, line 14.

**Strike:** "for payment of educational debt"

**Following:** "2009"

**Insert:** ", for payment of educational debt"

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

**House joint resolution** passed and transmitted to the Senate for concurrence: 4/22/2007

**HJR 45**, introduced by Thomas

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 4/22/2007

**SB 116**, introduced by Brueggeman

**Senate bill** passed and transmitted to the Senate for concurrence: 4/22/2007

**SB 16**, introduced by Hawks

**Senate bill** passed and transmitted to the Senate for concurrence: 4/22/2007

**SB 119**, introduced by Moss

**Senate bill** passed and transmitted to the Senate for concurrence: 4/22/2007

**SB 124**, introduced by Harrington

**Senate bill** passed and transmitted to the Senate for concurrence: 4/22/2007

**SB 141**, introduced by Laslovich

**MOTIONS**

**SEN. GREG LIND, SD 50, MISSOULA** moved to re-refer **HJR 16** to Fish and Game Committee. Motion carried.

**SEN. KELLY GEBHARDT, SD 23, ROUNDUP** moved to change his vote on **HB 397** from "yes" to "no". Motion carried.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator J. Peterson in the chair.

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Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 497** - Senator Wanzenried moved **HB 497** be concurred in. Motion carried unanimously.

**HB 456** - Senator O'Neil moved **HB 456** be concurred in. Motion carried unanimously.

**HB 157** - Senator Cobb moved **HB 157** be concurred in. Motion carried as follows:

Yeas: Bales, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Schmidt, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 38

Nays: Balyeat, Barkus, Black, Brown, Curtiss, Essmann, Jackson, McGee, O'Neil, Shockley, Stapleton.

Total 11

Absent or not voting: None.

Total 0

Excused: Ryan.

Total 1

**SB 220** - Senator Williams moved consideration of **SB 220** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**HB 260** - Senator Cocchiarella moved **HB 260** be concurred in. Motion carried as follows:

Yeas: Bales, Black, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Peterson, Schmidt, Smith, Squires, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 36

Nays: Balyeat, Barkus, Brown, Curtiss, Essmann, Jackson, McGee, Murphy, O'Neil, Perry, Shockley, Stapleton, Steinbeisser.

Total 13

Absent or not voting: None.

Total 0

Excused: Ryan.

Total 1

**HB 570** - Senator Jent moved **HB 570** be concurred in. Motion carried unanimously.

**HB 341** - Senator Wanzenried moved **HB 341** be concurred in. Motion carried as follows:

Yeas: Bales, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lind, Moss,

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Murphy, O'Neil, Pease, Peterson, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 39

Nays: Balyeat, Barkus, Curtiss, Esp, Essmann, Lewis, McGee, Perry, Story, Tash.

Total 10

Absent or not voting: None.

Total 0

Excused: Ryan.

Total 1

**HB 469** - Senator Gillan moved **HB 469** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Jackson, Jent, Juneau, Kitzenberg, Laible, Larson, Laslovich, Lewis, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Mr. President.

Total 40

Nays: Elliott, Harrington, Hawks, Kaufmann, Lind, Moss, Schmidt, Weinberg, Williams.

Total 9

Absent or not voting: None.

Total 0

Excused: Ryan.

Total 1

**HB 412** - Senator Moss moved **HB 412** be concurred in. Motion carried with Senator McGee, Curtiss, Tropila M., Jackson, O'Neil voting nay.

**SB 470** - Senator Elliott moved **SB 470** be concurred in. Motion carried as follows:

Yeas: Black, Cobb, Cocchiarella, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 28

Nays: Bales, Balyeat, Barkus, Brown, Curtiss, Esp, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 20

Absent or not voting: None.

Total 0

Excused: Brueggeman, Ryan.

Total 2

**HB 363** - Senator Williams moved consideration of **HB 363** be passed for the day. Motion carried.

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**HB 770** - Senator Wanzenried moved **HB 770** be concurred in. Motion carried with Senator McGee voting nay.

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman J. Peterson moved the Committee of the Whole report be adopted. Report adopted unanimously.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 496** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 48

Nays: McGee.  
Total 1

Absent or not voting: None.  
Total 0

Excused: Ryan.  
Total 1

**HB 724** concurred in as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 46

Nays: Balyeat, McGee, O'Neil.  
Total 3

Absent or not voting: None.  
Total 0

Excused: Ryan.  
Total 1

**HB 717** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible,



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Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Ryan.  
Total 1

**HB 759** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Ryan.  
Total 1

**HB 397** concurred in as follows:

Yeas: Balyeat, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 42

Nays: Bales, Barkus, Esp, Essmann, Gebhardt, Juneau, Story.  
Total 7

Absent or not voting: None.  
Total 0

Excused: Ryan.  
Total 1

**HB 596** concurred in as follows:

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Yeas: Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Schmidt, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 41

Nays: Bales, Balyeat, Barkus, Jackson, McGee, O'Neil, Shockley, Stapleton.

Total 8

Absent or not voting: None.

Total 0

Excused: Ryan.

Total 1

**HB 795** concurred in as follows:

Yeas: Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Schmidt, Shockley, Smith, Squires, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 41

Nays: Bales, Balyeat, Barkus, Brown, Jackson, McGee, Stapleton, Story.

Total 8

Absent or not voting: None.

Total 0

Excused: Ryan.

Total 1

**HB 98** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 47

Nays: McGee, Stapleton.

Total 2

Absent or not voting: None.

Total 0

Excused: Ryan.

Total 1

**HB 117** concurred in as follows:

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Yeas: Bales, Balyeat, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Schmidt, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 44

Nays: Barkus, Curtiss, McGee, Shockley, Smith.

Total 5

Absent or not voting: None.

Total 0

Excused: Ryan.

Total 1

**HB 118** concurred in as follows:

Yeas: Black, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Story, Tash, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 36

Nays: Bales, Balyeat, Barkus, Brown, Curtiss, Essmann, Gebhardt, Jackson, Lewis, McGee, O'Neil, Stapleton, Steinbeisser, J.Tropila.

Total 14

Paired: Ryan, Aye; Barkus, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 91** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Ryan.

Total 1

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**HB 361** concurred in as follows:

Yeas: Bales, Balyeat, Black, Brueggeman, Curtiss, Essmann, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Weinberg, Williams, Mr. President.  
Total 37

Nays: Barkus, Brown, Cobb, Cocchiarella, Elliott, Esp, Gallus, Juneau, Kaufmann, McGee, O'Neil, Stapleton, Wanzenried.  
Total 13

Paired: Ryan, Aye; Barkus, No.

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 8:00 a.m., Tuesday, March 24, 2007. Motion carried.

Senate adjourned at 3:05 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

**SENATE JOURNAL  
60TH LEGISLATURE  
SIXTY-THIRD LEGISLATIVE DAY**

Helena, Montana  
March 24, 2007

Senate Chambers  
State Capitol

Senate convened at 8:00 a.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. Senators Essmann, Brueggeman, and Story excused. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 40

Nays: Balyeat, Gebhardt, Jackson, Lind, McGee, O'Neil, Shockley.

Total 7

Absent or not voting: None.

Total 0

Excused: Brueggeman, Essmann, Story.

Total 3

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 26**, introduced by McGillvray, referred to Highways and Transportation.

**HB 99**, introduced by Olson, referred to Business, Labor, and Economic Affairs.

**HB 185**, introduced by Jopek, referred to State Administration.

**HB 195**, introduced by Lange, referred to Public Health, Welfare and Safety.

**HB 196**, introduced by Lange, referred to Natural Resources and Energy.

**HB 204**, introduced by Kasten, referred to Finance and Claims.

**HB 217**, introduced by Lange, referred to Judiciary.

**HB 225**, introduced by Koopman, referred to State Administration.

**HB 240**, introduced by Nooney, referred to Taxation.

**HB 271**, introduced by McNutt, referred to Natural Resources and Energy.

**HB 272**, introduced by L. Jones, referred to Judiciary.

**HB 276**, introduced by McNutt, referred to Natural Resources and Energy.

**HB 291**, introduced by Ross, referred to Natural Resources and Energy.

**HB 312**, introduced by Lange, referred to Judiciary.

**HB 316**, introduced by Sinrud, referred to State Administration.

**HB 317**, introduced by Sinrud, referred to Finance and Claims.

**HB 321**, introduced by McGillvray, referred to Public Health, Welfare and Safety.

**HB 328**, introduced by Stahl, referred to Natural Resources and Energy.

**HB 329**, introduced by Windy Boy, referred to Judiciary.

**HB 350**, introduced by Sinrud, referred to Finance and Claims.

**HB 351**, introduced by Sinrud, referred to State Administration.

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**HB 353**, introduced by McGillvray, referred to Judiciary.  
**HB 371**, introduced by Sonju, referred to Finance and Claims.  
**HB 389**, introduced by Barrett, referred to Fish and Game.  
**HB 405**, introduced by Lange, referred to Natural Resources and Energy.  
**HB 439**, introduced by Koopman, referred to Fish and Game.  
**HB 461**, introduced by Ebinger, referred to Public Health, Welfare and Safety.  
**HB 462**, introduced by Sands, referred to State Administration.  
**HB 520**, introduced by Arntzen, referred to State Administration.  
**HB 522**, introduced by Sinrud, referred to Finance and Claims.  
**HB 523**, introduced by Sinrud, referred to Finance and Claims.  
**HB 536**, introduced by Becker, referred to Public Health, Welfare and Safety.  
**HB 590**, introduced by Everett, referred to Local Government.  
**HB 619**, introduced by Sinrud, referred to State Administration.  
**HB 622**, introduced by McGillvray, referred to Public Health, Welfare and Safety.  
**HB 643**, introduced by Sinrud, referred to Judiciary.  
**HB 650**, introduced by Koopman, referred to State Administration.  
**HB 688**, introduced by Olson, referred to Natural Resources and Energy.  
**HB 692**, introduced by Barrett, referred to Finance and Claims.  
**HB 712**, introduced by Jore, referred to Judiciary.  
**HB 726**, introduced by Gallik, referred to Judiciary.  
**HB 763**, introduced by Ankney, referred to Natural Resources and Energy.  
**HB 768**, introduced by Gallik, referred to Judiciary.  
**HB 783**, introduced by Lake, referred to State Administration.  
**HJR 31**, introduced by Everett, referred to Natural Resources and Energy.  
**HJR 43**, introduced by Rice, referred to Judiciary.  
**HJR 45**, introduced by Thomas, referred to State Administration.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator M. Tropila in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 206** - Senator Esp moved consideration of **HB 206** be passed for the day. Motion carried.

**SB 116** - Senator Esp moved consideration of the house amendments to **SB 116** be passed for the day. Motion carried.

**HB 284** - Senator J. Tropila moved **HB 284** be concurred in. Motion carried unanimously.

**HB 664** - Senator Gallus moved **HB 664** be concurred in. Motion carried unanimously.

**HB 129** - Senator Jent moved **HB 129** be concurred in. Motion carried unanimously.

**HB 363** - Senator Cocchiarella moved **HB 363**, second reading copy, be amended as follows:

1. Title, page 1, line 10.

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**Following:** "PROVIDING AN"

**Insert:** "IMMEDIATE"

**Following:** "DATE AND"

**Strike:** "AN"

**Insert:** "A RETROACTIVE"

2. Page 9, line 12.

**Strike:** "July 1, 2007"

**Insert:** "on passage and approval"

3. Page 9, line 14.

**Strike:** "Applicability"

**Insert:** "Retroactive applicability"

4. Page 9, line 14 through line 15.

**Strike:** "[This" on line 14 through "2007" on line 15

**Insert:** "[Sections 1 and 2] apply retroactively, within the meaning of 1-2-109, to actions taken by the trustees of a school district on or after March 1, 2007, in preparing school budgets for the 2008 school fiscal year, including but not limited to setting, scheduling, and holding general fund levy elections"

Amendment adopted unanimously.

**HB 363** - Senator Ryan moved **HB 363**, as amended, be concurred in. Motion carried as follows:

Yeas: Bales, Black, Cobb, Cocchiarella, Curtiss, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzonried, Weinberg, Williams, Mr. President.

Total 36

Nays: Balyeat, Barkus, Brown, Esp, Gebhardt, Jackson, McGee, O'Neil, Perry, Shockley, Stapleton.

Total 11

Absent or not voting: None.

Total 0

Excused: Brueggeman, Essmann, Story.

Total 3

**HB 153** - Senator Cooney moved **HB 153** be concurred in. Motion carried unanimously.

**HB 510** - Senator M. Tropila moved **HB 510** be concurred in. Motion carried unanimously.

**HB 579** - Senator Shockley moved **HB 579** be concurred in. Motion carried unanimously.

**HJR 35** - Senator Barkus moved **HJR 35** be concurred in. Motion carried with Senator McGee voting nay.

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman M. Tropila moved the Committee of the Whole report be adopted. Report adopted unanimously.

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**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 497** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 46

Nays: McGee.  
Total 1

Absent or not voting: None.  
Total 0

Excused: Brueggeman, Essmann, Story.  
Total 3

**HB 456** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 47

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Brueggeman, Essmann, Story.  
Total 3

**HB 157** concurred in as follows:

Yeas: Bales, Black, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Peterson, Ryan, Schmidt, Smith, Squires, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 36

Nays: Balyeat, Barkus, Brown, Jackson, McGee, Murphy, O'Neil, Perry, Shockley, Stapleton, Steinbeisser.  
Total 11

Absent or not voting: None.



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Total 0

Excused: Brueggeman, Essmann, Story.

Total 3

**HB 260** concurred in as follows:

Yeas: Bales, Black, Cobb, Cocchiarella, Elliott, Esp, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Peterson, Ryan, Schmidt, Smith, Squires, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 35

Nays: Balyeat, Barkus, Brown, Curtiss, Jackson, McGee, Murphy, O'Neil, Perry, Shockley, Stapleton, Steinbeisser.

Total 12

Absent or not voting: None.

Total 0

Excused: Brueggeman, Essmann, Story.

Total 3

**HB 570** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 47

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Brueggeman, Essmann, Story.

Total 3

**HB 341** concurred in as follows:

Yeas: Bales, Balyeat, Black, Brown, Cobb, Cocchiarella, Elliott, Esp, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Peterson, Schmidt, Shockley, Smith, Squires, Steinbeisser, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 38

Nays: Barkus, Curtiss, Gallus, Jackson, McGee, Perry, Ryan, Stapleton, Tash.

Total 9

Absent or not voting: None.

Total 0

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Excused: Brueggeman, Essmann, Story.  
Total 3

**HB 469** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Hawks, Jackson, Jent, Juneau, Kitzenberg, Laible, Larson, Laslovich, Lewis, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Williams, Mr. President.  
Total 42

Nays: Elliott, Harrington, Kaufmann, Lind, Moss, Schmidt, Wanzenried, Weinberg.  
Total 8

Paired: Brueggeman, Essmann, Story, Ayes; Harrington, Moss, Weinberg, Noes.

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 412** concurred in as follows:

Yeas: Bales, Balyeat, Black, Brown, Cobb, Cocchiarella, Esp, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, O'Neil, Pease, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, Tash, Wanzenried, Weinberg, Williams, Mr. President.  
Total 35

Nays: Barkus, Curtiss, Elliott, Gallus, Jackson, Lind, McGee, Perry, Shockley, Stapleton, J.Tropila, M.Tropila.  
Total 12

Absent or not voting: None.  
Total 0

Excused: Brueggeman, Essmann, Story.  
Total 3

**SB 470** passed as follows:

Yeas: Black, Cobb, Cocchiarella, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 34

Nays: Bales, Balyeat, Barkus, Brown, Curtiss, Esp, Gebhardt, Jackson, Laible, McGee, O'Neil, Perry, Stapleton, Steinbeisser.  
Total 14

Paired: Essmann, Aye; Barkus, No.

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Absent or not voting: None.  
Total 0

Excused: Brueggeman, Story.  
Total 2

**HB 770** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 46

Nays: McGee.  
Total 1

Absent or not voting: None.  
Total 0

Excused: Brueggeman, Essmann, Story.  
Total 3

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1:00 p.m., Monday, March 26, 2007. Motion carried.

Senate adjourned at 9:15 a.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

**SENATE JOURNAL  
60TH LEGISLATURE  
SIXTY-FOURTH LEGISLATIVE DAY**

Helena, Montana  
March 26, 2007

Senate Chambers  
State Capitol

Senate convened at 1:00 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. Senators Gillan, Essmann and Smith excused. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzonried, Weinberg, Williams, Mr. President.  
Total 40

Nays: Balyeat, Gebhardt, Jackson, Lind, McGee, O'Neil, Shockley.  
Total 7

Absent or not voting: None.  
Total 0

Excused: Essmann, Gillan, Smith.  
Total 3

**MOTIONS**

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** moved to place **SB 470** on third reading the 65th Legislative day. Motion carried.

**REPORTS OF STANDING COMMITTEES**

**AGRICULTURE, LIVESTOCK AND IRRIGATION** (Hansen, Chairman): 3/26/2007  
**HJR 17**, be concurred in. Report adopted.

**NATURAL RESOURCES AND ENERGY** (Lind, Chairman): 3/26/2007  
**HB 166**, be concurred in. Report adopted.  
**HB 259**, be concurred in. Report adopted.  
**HB 427**, be concurred in. Report adopted.

**TAXATION** (Elliott, Chairman): 3/26/2007  
**SB 210**, introduced bill, be amended as follows:

1. Title, line 4 through line 5.

**Strike:** "INCREASING" on line 4 through "INVESTMENTS;" on line 5

2. Title, lines 6 and 7.

**Strike:** "SMALL-BUSINESS CORPORATIONS"

**Insert:** "LIMITED LIABILITY PARTNERSHIPS, S. CORPORATIONS, OR OTHER DISREGARDED ENTITIES"

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SIXTY-FOURTH LEGISLATIVE DAY - MARCH 26, 2007

3. Title, line 7 through line 8.

**Strike:** "A" on line 7 through "LEVEL" on line 8

**Insert:** "CERTAIN INCOME LEVELS"

4. Title, line 8.

**Strike:** "3-YEAR CARRYFORWARD"

**Insert:** "REFUND"

5. Title, line 9.

**Strike:** "SECTIONS 15-32-103 AND"

**Insert:** "SECTION"

6. Title, page 10.

**Strike:** the second "AND"

**Insert:** ", "

**Following:** the second "DATE"

**Insert:** ", AND A TERMINATION DATE"

7. Page 1, line 14 through line 28.

**Strike:** section 1 in its entirety

**Renumber:** subsequent sections

8. Page 2, line 3.

**Strike:** "75%"

**Insert:** "25%"

9. Page 2, line 4.

**Strike:** "space"

**Strike:** "or of major appliances"

10. Page 2, line 6.

**Strike:** "\$5,000"

**Insert:** "\$800"

11. Page 2, line 7.

**Following:** "(2)"

**Insert:** "(a)"

12. Page 2, line 8.

**Strike:** "150% of the federal poverty level"

**Insert:** "the amount established in subsection (2)(b)"

13. Page 2, line 9.

**Strike:** "100%"

**Insert:** "25%"

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14. Page 2, line 10.

**Strike:** "space"

**Strike:** "or of major appliances"

15. Page 2, line 11.

**Strike:** "\$5,000"

**Insert:** "\$800"

16. Page 2.

**Following:** line 11

**Insert:** "(b) To be eligible for the credit allowed by this subsection (2), a single taxpayer may not have a Montana adjusted gross income in excess of \$11,280 and married couples filing jointly or separately on the same form may not have a Montana adjusted gross income in excess of \$14,590. The department, by November 1, of each year, shall multiply the income amounts in this subsection (2)(b) by the inflation factor for that year and round the product to the nearest \$10. The resulting adjusted income is effective for that tax year and must be used in determining the eligibility for the credit allowed by this subsection (2)."

17. Page 2, lines 12 and 13.

**Strike:** "small business corporation, as defined in 15-30-1101,"

**Insert:** "limited liability partnership, S. corporation, or other disregarded entity"

**Strike:** "75%" on line 13

**Insert:** "25%"

18. Page 2, line 14.

**Following:** "attributes of a"

**Insert:** "residential rental"

19. Page 2, line 15.

**Strike:** "space"

**Strike:** "or of major appliances"

20. Page 2, line 16.

**Strike:** "\$10,000"

**Insert:** "\$800"

21. Page 2, line 17.

**Strike:** "not"

**Strike:** "more than one status"

**Insert:** "subsection (1), (2), or (3) but may be claimed under only one of those subsections"

22. Page 2, line 21.

**Following:** "(6)"

**Insert:** "The credits under subsections (1) and (3) may not exceed the taxpayer's tax liability."

**Following:** "credit"

**Insert:** "under subsection (2)"

SENATE JOURNAL  
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23. Page 2, line 22.

**Strike:** line 22 in its entirety

**Insert:** "of the excess must be refunded to the taxpayer. The credit may be claimed even if the claimant has no taxable income.

(7) If the taxpayer is an S. corporation, the shareholders may claim a pro rata share of the tax credit. If the taxpayer is a partnership or disregarded entity, the credit may be claimed by the partners or members in the same proportion used to report the partnership's or entity's income or loss for Montana income tax purposes."

24. Page 2.

**Following:** line 27

**Insert:** "NEW SECTION. **Section 4. Termination.** [This act] terminates January 1, 2010."

And, as amended, do pass. Report adopted.

**SB 281**, introduced bill, be amended as follows:

1. Page 4, line 26.

**Following:** "(9)"

**Insert:** "(a)"

2. Page 4.

**Following:** line 30

**Insert:** "(b) Married taxpayers filing a joint federal return who are allowed a deduction for qualified tuition and related expenses under section 222 of the Internal Revenue Code, 26 U.S.C. 222, and who file separate Montana income tax returns may claim the same amount of the deduction that is allowed on the federal return. The deduction may be split equally on each return or in proportion to each taxpayer's share of federal adjusted gross income."

And, as amended, do pass. Report adopted.

**SB 356**, introduced bill, be amended as follows:

1. Title, lines 5 and 6.

**Following:** "FROM" on line 5

**Strike:** "A" on line 5 through "MONTANA" on line 6

**Insert:** "AN"

2. Page 1.

**Following:** line 13

**Insert:** "(1) "Earned income" means income from wages, salaries, bonuses, commissions, and other income that is earned in the act of providing personal services as an employee or as an independent contractor."

**Renumber:** subsequent subsections

3. Page 1, line 14 through line 17.

**Strike:** "'Montana institution" on line 14

**Insert:** "'Institution"

**Strike:** ":" on line 14 through "(c)" on line 17

**Following:** "a" on line 17

**Insert:** "public or "

**Strike:** "located in Montana" on line 17

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4. Page 1, line 24.

**Strike:** "a Montana"

**Insert:** "an"

5. Page 1, line 25.

**Following:** "taxes"

**Insert:** "on earned income"

6. Page 1, line 30.

**Strike:** "a Montana"

**Insert:** "an"

7. Page 2, line 2.

**Strike:** "a Montana"

**Insert:** "an"

8. Page 2.

**Following:** line 3

**Insert:** "(b) To qualify for a credit, in each year determined under subsection (2)(a), the taxpayer must have received at least \$2,500 in earned income that year."

**Renumber:** subsequent subsection

9. Page 2, line 18.

**Following:** "program"

**Insert:** "and similar entities"

And, as amended, do pass. Report adopted.

**SB 375**, introduced bill, be amended as follows:

1. Page 1, line 28.

**Strike:** "\$500"

**Insert:** "\$250"

And, as amended, do pass. Report adopted.

**SB 400**, introduced bill, be amended as follows:

1. Page 1, line 13.

**Strike:** "15% "

**Insert:** "10% "

2. Page 1, line 17.

**Strike:** "returns."

**Insert:** "forms. Married taxpayers filing separately on the same form may allocate the credit between spouses."

And, as amended, do pass. Report adopted.



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**SB 550**, introduced bill, be amended as follows:

1. Title, line 11.

**Following:** "7-3-157,"

**Insert:** "7-3-158,"

2. Page 5, line 20 through line 23.

**Strike:** subsection (3) in its entirety

**Renumber:** subsequent subsection

3. Page 6, line 10.

**Insert:** "**Section 11.** Section 7-3-158, MCA, is amended to read:

**"7-3-158. Transition provisions affecting personnel.** (1) The members of the governing body holding office on the date the new plan of government is adopted by the electors of the local government continue in office and in the performance of their duties until the governing body authorized by the plan has been elected and qualified, ~~whereupon the prior governing body is abolished.~~

(2) An officer, including a member of the governing body, elected under an existing form of government or plan of government continues to hold office under a new form of government or change to a plan of government if the new form or plan continues to have that office, whether the new officer is to be elected or appointed. A successor may be elected or appointed, as appropriate, to fill the office at the end of the term for which the holdover officer was elected.

~~(2)(3)~~ All other employees holding offices or positions, ~~whether elective or appointive,~~ under the government of the county or municipality continue in the performance of the duties of their respective offices and positions until provisions are made for the performance or discontinuance of the duties or the discontinuance of the offices or positions.

~~(3)(4)~~ A ~~charter or a petition proposing an alteration to an existing form of local government~~ change in a form of government or a plan of government may provide that existing elected officers ~~shall~~ of an office that is abolished may continue in office until the end of the term for which they were elected or may provide that the existing elected officers ~~shall~~ be retained as local government employees until the end of the term for which they were elected, and their salaries may not be reduced.""

**Renumber:** subsequent sections

4. Page 7, line 6.

**Following:** "funding"

**Insert:** ", not to exceed (insert dollar or mill amount),"

5. Page 7, line 10.

**Following:** "funding"

**Insert:** ", not to exceed (insert dollar or mill amount),"

6. Page 8, line 11.

**Strike:** "not to exceed 1 mill"

**Strike:** "up to 1 mill"

**Insert:** "mills"

7. Page 10, line 8.

**Following:** "7-3-158"

**Strike:** "(3)"

**Insert:** "(4)"

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And, as amended, do pass. Report adopted.

**SB 552**, introduced bill, be amended as follows:

1. Title, line 4.

**Strike:** "\$300"

**Insert:** "\$100"

2. Title, line 5.

**Following:** "FIREFIGHTERS"

**Insert:** "AND EMERGENCY MEDICAL TECHNICIANS"

3. Page 1, line 11.

**Strike:** "\$300"

**Insert:** "\$100"

**Following:** "firefighter"

**Insert:** "or a volunteer emergency medical technician"

4. Page 1, line 14.

**Following:** "39-71-118"

**Insert:** "or an emergency medical technician as defined in 50-6-202"

5. Page 1, line 16.

**Following:** "24"

**Insert:** ", or the same volunteer emergency medical service as defined in 50-6-302"

6. Page 1, line 17.

**Following:** "19-17-108(3)"

**Insert:** "hours prescribed by the Montana state for firefighters or completed the number of training hours prescribed by Montana state board of medical examiners for emergency medical technicians"

7. Page 1, line 19.

**Strike:** "fire company"

**Insert:** "entity"

8. Page 1, line 20.

**Following:** "year"

**Insert:** "referred to in subsection (2)(a)"

9. Page 1, line 23.

**Insert:** "(5) A taxpayer may not claim a credit as both a firefighter and an emergency medical technician under this section."

And, as amended, do pass. Report adopted.

**AGRICULTURE, LIVESTOCK AND IRRIGATION** (Hansen, Chairman):

3/26/2007

**HJR 17**, be concurred in. Report adopted.

**NATURAL RESOURCES AND ENERGY** (Lind, Chairman):

3/26/2007

**HB 166**, be concurred in. Report adopted.

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**HB 259**, be concurred in. Report adopted.

**HB 427**, be concurred in. Report adopted.

**TAXATION** (Elliott, Chairman):

3/26/2007

**SB 210**, introduced bill, be amended as follows:

1. Title, line 4 through line 5.

**Strike:** "INCREASING" on line 4 through "INVESTMENTS;" on line 5

2. Title, lines 6 and 7.

**Strike:** "SMALL-BUSINESS CORPORATIONS"

**Insert:** "LIMITED LIABILITY PARTNERSHIPS, S. CORPORATIONS, OR OTHER DISREGARDED ENTITIES"

3. Title, line 7 through line 8.

**Strike:** "A" on line 7 through "LEVEL" on line 8

**Insert:** "CERTAIN INCOME LEVELS"

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**Strike:** "3-YEAR CARRYFORWARD"

**Insert:** "REFUND"

5. Title, line 9.

**Strike:** "SECTIONS 15-32-103 AND"

**Insert:** "SECTION"

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**Strike:** the second "AND"

**Insert:** ", "

**Following:** the second "DATE"

**Insert:** ", AND A TERMINATION DATE"

7. Page 1, line 14 through line 28.

**Strike:** section 1 in its entirety

**Renumber:** subsequent sections

8. Page 2, line 3.

**Strike:** "75%"

**Insert:** "25%"

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**Strike:** "space"

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**Strike:** "\$5,000"

**Insert:** "\$800"

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**Following:** "(2)"

**Insert:** "(a)"

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**Strike:** "150% of the federal poverty level"

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**Following:** line 11

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**Insert:** "The credits under subsections (1) and (3) may not exceed the taxpayer's tax liability."

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**Insert:** "under subsection (2)"

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**Strike:** line 22 in its entirety

**Insert:** "of the excess must be refunded to the taxpayer. The credit may be claimed even if the claimant has no taxable income.

(7) If the taxpayer is an S. corporation, the shareholders may claim a pro rata share of the tax credit. If the taxpayer is a partnership or disregarded entity, the credit may be claimed by the partners or members in the same proportion used to report the partnership's or entity's income or loss for Montana income tax purposes."

24. Page 2.

**Following:** line 27

**Insert:** "NEW SECTION. **Section 4. Termination.** [This act] terminates January 1, 2010."

And, as amended, do pass. Report adopted.

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1. Page 4, line 26.

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**Following:** line 30

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**Insert:** "AN"

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**Following:** line 13

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**Insert:** "(1) "Earned income" means income from wages, salaries, bonuses, commissions, and other income that is earned in the act of providing personal services as an employee or as an independent contractor."

**Renumber:** subsequent subsections

3. Page 1, line 14 through line 17.

**Strike:** "'Montana institution" on line 14

**Insert:** "'Institution"

**Strike:** ":" on line 14 through "(c)" on line 17

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**Insert:** "public or "

**Strike:** "located in Montana" on line 17

4. Page 1, line 24.

**Strike:** "a Montana"

**Insert:** "an"

5. Page 1, line 25.

**Following:** "taxes"

**Insert:** "on earned income"

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**Strike:** "a Montana"

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7. Page 2, line 2.

**Strike:** "a Montana"

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8. Page 2.

**Following:** line 3

**Insert:** "(b) To qualify for a credit, in each year determined under subsection (2)(a), the taxpayer must have received at least \$2,500 in earned income that year."

**Renumber:** subsequent subsection

9. Page 2, line 18.

**Following:** "program"

**Insert:** "and similar entities"

And, as amended, do pass. Report adopted.

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**Insert:** "10% "

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**Strike:** "returns."

**Insert:** "forms. Married taxpayers filing separately on the same form may allocate the credit between spouses."

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**SB 550**, introduced bill, be amended as follows:

1. Title, line 11.

**Following:** "7-3-157,"

**Insert:** "7-3-158,"

2. Page 5, line 20 through line 23.

**Strike:** subsection (3) in its entirety

**Renumber:** subsequent subsection

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**Insert:** "Section 11. Section 7-3-158, MCA, is amended to read:

**"7-3-158. Transition provisions affecting personnel.** (1) The members of the governing body holding office on the date the new plan of government is adopted by the electors of the local government continue in office and in the performance of their duties until the governing body authorized by the plan has been elected and qualified, ~~whereupon the prior governing body is abolished.~~

(2) An officer, including a member of the governing body, elected under an existing form of government or plan of government continues to hold office under a new form of government or change to a plan of government if the new form or plan continues to have that office, whether the new officer is to be elected or appointed. A successor may be elected or appointed, as appropriate, to fill the office at the end of the term for which the holdover officer was elected.

~~(2)(3)~~ All other employees holding offices or positions, ~~whether elective or appointive,~~ under the government of the county or municipality continue in the performance of the duties of their respective offices and positions until provisions are made for the performance or discontinuance of the duties or the discontinuance of the offices or positions.

~~(3)(4)~~ A charter or a petition proposing an alteration to an existing form of local government change in a form of government or a plan of government may provide that existing elected officers ~~shall~~ of an office that is abolished may continue in office until the end of the term for which they were elected or may provide that the existing elected officers ~~shall~~ be retained as local government employees until the end of the term for which they were elected, and their salaries may not be reduced."

**Renumber:** subsequent sections

4. Page 7, line 6.

**Following:** "funding"

**Insert:** ", not to exceed (insert dollar or mill amount),"

5. Page 7, line 10.

**Following:** "funding"

**Insert:** ", not to exceed (insert dollar or mill amount),"

6. Page 8, line 11.

**Strike:** "not to exceed 1 mill"

**Strike:** "up to 1 mill"

**Insert:** "mills"

7. Page 10, line 8.

**Following:** "7-3-158"

**Strike:** "(3)"

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**Insert:** "(4)"

And, as amended, do pass. Report adopted.

**SB 552**, introduced bill, be amended as follows:

1. Title, line 4.

**Strike:** "\$300"

**Insert:** "\$100"

2. Title, line 5.

**Following:** "FIREFIGHTERS"

**Insert:** "AND EMERGENCY MEDICAL TECHNICIANS"

3. Page 1, line 11.

**Strike:** "\$300"

**Insert:** "\$100"

**Following:** "firefighter"

**Insert:** "or a volunteer emergency medical technician"

4. Page 1, line 14.

**Following:** "39-71-118"

**Insert:** "or an emergency medical technician as defined in 50-6-202"

5. Page 1, line 16.

**Following:** "24"

**Insert:** ", or the same volunteer emergency medical service as defined in 50-6-302"

6. Page 1, line 17.

**Following:** "19-17-108(3)"

**Insert:** "for firefighters or completed the number of training hours prescribed by Montana state board of medical examiners for emergency medical technicians"

7. Page 1, line 19.

**Strike:** "fire company"

**Insert:** "entity"

8. Page 1, line 20.

**Following:** "year"

**Insert:** "referred to in subsection (2)(a)"

9. Page 1, line 23.

**Insert:** "(5) A taxpayer may not claim a credit as both a firefighter and an emergency medical technician under this section."

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**



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<b>Senate amendments to House bill</b> concurred in:	3/24/2007
<b>HB 120</b> , introduced by Henry	
<b>Senate amendments to House bill</b> concurred in:	3/24/2007
<b>HB 124</b> , introduced by French	
<b>Senate amendments to House bill</b> concurred in:	3/24/2007
<b>HB 409</b> , introduced by Sinrud	
<b>Senate bill</b> concurred in and returned to the Senate:	3/24/2007
<b>SB 269</b> , introduced by Larson	
<b>Senate bill</b> concurred in and returned to the Senate:	3/24/2007
<b>SB 369</b> , introduced by Smith	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	3/24/2007
<b>HB 4</b> , introduced by Musgrove	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	3/24/2007
<b>HB 19</b> , introduced by McNutt	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	3/24/2007
<b>HB 114</b> , introduced by Olson	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	3/24/2007
<b>HB 131</b> , introduced by Sesso	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	3/24/2007
<b>HB 315</b> , introduced by Koopman	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	3/24/2007
<b>HB 348</b> , introduced by Keane	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	3/24/2007
<b>HB 395</b> , introduced by W. Jones	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	3/24/2007

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**HB 473**, introduced by Ross

**House bill** passed and transmitted to the Senate for concurrence: 3/24/2007

**HB 480**, introduced by Lake

**House bill** passed and transmitted to the Senate for concurrence: 3/24/2007

**HB 540**, introduced by Groesbeck

**House bill** passed and transmitted to the Senate for concurrence: 3/24/2007

**HB 569**, introduced by Rice

**House bill** passed and transmitted to the Senate for concurrence: 3/24/2007

**HB 592**, introduced by Wilson

**House bill** passed and transmitted to the Senate for concurrence: 3/24/2007

**HB 644**, introduced by Sonju

**Senate bill** concurred in and returned to the Senate: 3/24/2007

**SB 178**, introduced by Lewis

**Senate bill** concurred in and returned to the Senate: 3/24/2007

**SB 208**, introduced by M. Tropila

**Senate bill** concurred in and returned to the Senate: 3/24/2007

**SB 385**, introduced by Cobb

**Senate joint resolution** concurred in and returned to the Senate: 3/24/2007

**SJR 21**, introduced by J. Peterson

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 3/23/2007

**SB 12**, introduced by Williams

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 3/23/2007

**SB 50**, introduced by Gallus

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 3/23/2007

**SB 102**, introduced by Lind

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**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 3/23/2007  
**SB 118**, introduced by Cobb

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 3/23/2007  
**SB 175**, introduced by Squires

**House bill** passed and transmitted to the Senate for concurrence: 3/23/2007  
**HB 390**, introduced by Nooney

**House bill** passed and transmitted to the Senate for concurrence: 3/23/2007  
**HB 443**, introduced by Taylor

**House bill** passed and transmitted to the Senate for concurrence: 3/23/2007  
**HB 444**, introduced by Taylor

**House bill** passed and transmitted to the Senate for concurrence: 3/23/2007  
**HB 630**, introduced by Gallik

**Senate bill** concurred in and returned to the Senate: 3/23/2007  
**SB 168**, introduced by Jent

**Senate bill** concurred in and returned to the Senate: 3/23/2007  
**SB 239**, introduced by Balyeat

**Senate bill** concurred in and returned to the Senate: 3/23/2007  
**SB 322**, introduced by Brueggeman

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 561**, introduced by Kaufmann, referred to Taxation.  
**SB 562**, introduced by Laslovich, referred to Taxation.

The following House bills were introduced, read first time, and referred to committees:

**HB 610**, introduced by Keane, referred to Judiciary.  
**HB 769**, introduced by Lake, referred to Public Health, Welfare and Safety.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

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Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator McGee in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 206** - Senator Williams moved consideration of **HB 206** be passed for the day. Motion carried unanimously.

**HB 253** - Senator Williams moved consideration of **HB 253** be passed for the day. Motion carried unanimously.

**SB 116** - Senator Brueggeman moved house amendments to **SB 116** do pass. Motion carried unanimously.

**HB 756** - Senator Ryan moved **HB 756** be concurred in. Motion carried with Senator Balyeat, O'Neil, Shockley, McGee voting nay.

**HB 369** - Senator Hawks moved **HB 369** be concurred in. Motion carried with Senator Balyeat, Esp, McGee, Story, Shockley voting nay.

**SB 553** - Senator Black moved **SB 553** do pass. Motion carried as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 44

Nays: Balyeat, Jackson, McGee, O'Neil.  
Total 4

Absent or not voting: None.  
Total 0

Excused: Essmann, Gillan.  
Total 2

**HB 37** - Senator Gebhardt moved **HB 37** be concurred in. Motion carried with Senator McGee voting nay.

**HB 242** - Senator Shockley moved **HB 242** be concurred in. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cocchiarella, Curtiss, Esp, Gallus, Harrington, Jackson, Jent, Laible, Laslovich, Lewis, McGee, Murphy, Perry, Peterson, Shockley, Squires, Steinbeisser, Story, Tash.  
Total 24

Nays: Brown, Cobb, Elliott, Gebhardt, Hansen, Hawks, Juneau, Kaufmann, Kitzenberg, Larson, Lind, Moss, O'Neil, Pease, Ryan, Schmidt, Smith, Stapleton, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 24

Absent or not voting: None.  
Total 0

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Excused: Essmann, Gillan.  
Total 2

**HB 789** - Senator Cocchiarella moved **HB 789** be concurred in. Motion carried unanimously.

**HB 532** - Senator J. Tropila moved **HB 532** be concurred in. Motion carried unanimously.

**HB 174** - Senator Elliott moved **HB 174** be concurred in. Motion carried as follows:

Yeas: Cocchiarella, Elliott, Gallus, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 25

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 23

Absent or not voting: None.  
Total 0

Excused: Essmann, Gillan.  
Total 2

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman McGee moved the Committee of the Whole report be adopted. The motion carried unanimously.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 284** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 48

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Essmann, Gillan.  
Total 2

**HB 664** concurred in as follows:

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Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 48

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Essmann, Gillan.  
Total 2

**HB 129** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 48

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Essmann, Gillan.  
Total 2

**HB 363** concurred in as follows:

Yeas: Bales, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Gallus, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 38

Nays: Balyeat, Barkus, Esp, Gebhardt, McGee, Murphy, O'Neil, Perry, Shockley, Stapleton.  
Total 10

Absent or not voting: None.  
Total 0

Excused: Essmann, Gillan.  
Total 2

**HB 153** concurred in as follows:

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Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 48

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Essmann, Gillan.  
Total 2

**HB 510** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 47

Nays: McGee.  
Total 1

Absent or not voting: None.  
Total 0

Excused: Essmann, Gillan.  
Total 2

**HB 579** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 48

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Essmann, Gillan.  
Total 2

**HJR 35** concurred in as follows:

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Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 46

Nays: McGee, Stapleton.

Total 2

Absent or not voting: None.

Total 0

Excused: Essmann, Gillan.

Total 2

**LEGISLATIVE ADMINISTRATION** (Smith, Chairman):

3/26/2007

MR. PRESIDENT:

We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 9:00 a.m., Saturday, March 24, 2007:

<u>TITLE</u>	<u>NAME</u>
Pages:	Kelsey Salomon, Ronan
	Mallory Hugs, Pryor
	Lyndsi Jonart, Butte
	Max Miller, Laurel
	Jessi Manchester, Butte
	Eugen Riordan, Butte
	Neil Gavigan, Belgrade
	Zackary Rambo, Gilford

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Tuesday, March 27, 2007:

<u>TITLE</u>	<u>NAME</u>
Pages:	Katie Jolley, Victor
	Montana Wilson, Poplar
	Clara Moulton, Great Falls
	Ashley Glover, Great Falls
	John Garrison, Thompson Falls
	Tara Turnbull, Brockton
	Amy McKinney, Libby

Report Adopted.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.



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Majority Leader Williams moved that the Senate adjourn until 1:00 p.m., Tuesday, March 27, 2007. Motion carried.

Senate adjourned at 3:30 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

**SENATE JOURNAL  
60TH LEGISLATURE  
SIXTY-FIFTH LEGISLATIVE DAY**

Helena, Montana  
March 27, 2007

Senate Chambers  
State Capitol

Senate convened at 1 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. Senator Gillan, Kaufmann, Gallus excused. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Hansen, Harrington, Hawks, Jent, Juneau, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 39

Nays: Balyeat, Essmann, Gebhardt, Jackson, Lind, McGee, O'Neil, Shockley.

Total 8

Absent or not voting: None.

Total 0

Excused: Gallus, Gillan, Kaufmann.

Total 3

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** moved to recess the Senate in order for the Democrats to caucus.  
**SEN. COREY STAPLETON, SD 27, BILLINGS** moved to recess for the Republicans to caucus.

Roll Call. Senator Gillan, Bales excused. Quorum present.

Yeas: Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 41

Nays: Balyeat, Gebhardt, Jackson, Lind, McGee, O'Neil, Shockley.

Total 7

Absent or not voting: None.

Total 0

Excused: Bales, Gillan.

Total 2

**REPORTS OF STANDING COMMITTEES**

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Cocchiarella, Chairman):  
**HB 738**, be amended as follows:

3/27/2007

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1. Title, line 4 through line 5.

**Strike:** "LAW" on line 4 through "CLAIMS" on line 5

**Insert:** "LAWS"

2. Title, line 13.

**Strike:** "39-71-601,"

**Following:** "39-71-704"

**Strike:** ", "

3. Title, line 14.

**Strike:** the second "AN"

**Strike:** the second "DATE"

**Insert:** "DATES"

4. Page 1, line 18 through page 2, line 21.

**Strike:** section 1 in its entirety

**Renumber:** subsequent sections

5. Page 7.

**Following:** line 13

**Insert:** "COORDINATION SECTION. Section 3. Coordination instruction. If Senate Bill No. 108 and [this act] are both passed and approved and if they contain a section that amends 39-71-704, then the sections amending 39-71-704 are void and 39-71-704 must be amended as follows:

**"39-71-704. Payment of medical, hospital, and related services -- fee schedules and hospital rates -- fee limitation.** (1) In addition to the compensation provided under this chapter and as an additional benefit separate and apart from compensation benefits actually provided, the following must be furnished:

(a) After the happening of a compensable injury and subject to other provisions of this chapter, the insurer shall furnish reasonable primary medical services for conditions resulting from the injury for those periods as the nature of the injury or the process of recovery requires.

(b) The insurer shall furnish secondary medical services only upon a clear demonstration of cost-effectiveness of the services in returning the injured worker to actual employment.

(c) The insurer shall replace or repair prescription eyeglasses, prescription contact lenses, prescription hearing aids, and dentures that are damaged or lost as a result of an injury, as defined in 39-71-119, arising out of and in the course of employment.

(d) (i) The insurer shall reimburse a worker for reasonable travel, lodging, meals, and miscellaneous expenses incurred in travel to a medical provider for treatment of an injury pursuant to rules adopted by the department. Reimbursement must be at the rates allowed for reimbursement for state employees.

(ii) Rules adopted under subsection (1)(d)(i) must provide for submission of claims, within 90 days from the date of travel, following notification to the claimant of reimbursement rules, must provide procedures for reimbursement receipts, and must require the use of the least costly form of travel unless the travel is not suitable for the worker's medical condition. The rules must exclude from reimbursement:

(A) 100 miles of automobile travel for each calendar month unless the travel is requested or required by the insurer pursuant to 39-71-605;

(B) travel to a medical provider within the community in which the worker resides;

(C) travel outside the community in which the worker resides if comparable medical treatment is available within the community in which the worker resides, unless the travel is requested by the insurer; and

(D) travel for unauthorized treatment or disallowed procedures.

(iii) An insurer is not liable for injuries or conditions that result from an accident that occurs during travel

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or treatment, except that the insurer retains liability for the compensable injuries and conditions for which the travel and treatment were required.

(e) Pursuant to rules adopted by the department, an insurer shall reimburse a catastrophically injured worker's family or, if a family member is unavailable, a person designated by the injured worker or approved by the insurer for travel assistance expenditures in an amount not to exceed \$2,500 to be used as a match to those funds raised by community service organizations to help defray the costs of travel and lodging expenses incurred by the family member or designated person when traveling to be with the injured worker. These funds must be paid in addition to any travel expenses paid by an insurer for a travel companion when it is medically necessary for a travel companion to accompany the catastrophically injured worker.

(f) Except for the repair or replacement of a prosthesis furnished as a result of an industrial injury, the benefits provided for in this section terminate when they are not used for a period of 60 consecutive months.

(g) Notwithstanding subsection (1)(a), the insurer may not be required to furnish, after the worker has achieved medical stability, palliative or maintenance care except:

(i) when provided to a worker who has been determined to be permanently totally disabled and for whom it is medically necessary to monitor administration of prescription medication to maintain the worker in a medically stationary condition;

(ii) when necessary to monitor the status of a prosthetic device; or

(iii) when the worker's treating physician believes that the care that would otherwise not be compensable under subsection (1)(g) is appropriate to enable the worker to continue current employment or that there is a clear probability of returning the worker to employment. A dispute regarding the compensability of palliative or maintenance care is considered a dispute over which, after mediation pursuant to department rule, the workers' compensation court has jurisdiction.

(h) Notwithstanding any other provisions of this chapter, the department, by rule and upon the advice of the professional licensing boards of practitioners affected by the rule, may exclude from compensability any medical treatment that the department finds to be unscientific, unproved, outmoded, or experimental.

(2) (a) The department shall annually establish a schedule of fees for medical services ~~not provided at a hospital~~ that are necessary for the treatment of injured workers. Charges submitted by providers must be the usual and customary charges for nonworkers' compensation patients. The department may require insurers to submit information to be used in establishing the schedule. Until the department adopts a fee schedule applicable to medical services provided by a hospital, insurers shall pay at the rate payable on June 30, 2007, for those services provided by a hospital. The rate must be adjusted by the annual percentage increase in the state's average weekly wage, as defined in 39-71-116, factoring in changes in the hospital's medical service charges.

(b) (i) The department may not set the rate for medical services at a rate greater than 10% above the average of the conversion factors used by the top five insurers or third-party administrators providing disability insurance within this state who use the resource-based relative value scale to determine fees for covered services.

(ii) The top five insurers or third-party administrators shall provide their standard conversion rates to the department.

(iii) The department may use the conversion rates only for the purpose of determining average conversion rates under this subsection (2).

(iv) The department shall maintain the confidentiality of the conversion rates.

(c) The fee schedule rates established in subsection (2)(b) apply to medical services covered by the American medical association current procedural terminology codes in effect at the time the services are provided regardless of where the services are provided.

(d) The department may establish coding standards to be utilized by providers when billing for medical services under this section.

(3) (a) The department may establish by rule evidence-based utilization and treatment guidelines for primary and secondary medical services. There is a rebuttable presumption that the utilization and treatment guidelines established by the department are correct medical treatment for the injured worker.

(b) An insurer is not responsible for treatment or services that do not fall within the utilization and treatment guidelines adopted by the department unless the provider obtains prior authorization from the insurer. If prior authorization is not requested or obtained from the insurer, an injured worker is not responsible for payment of the

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medical treatment or services.

(c) The department may establish by rule an independent medical review process for treatment or services denied by an insurer pursuant to this subsection (3) prior to mediation under 39-71-2401.

~~(3) (a) The department shall establish rates for hospital services necessary for the treatment of injured workers.~~

~~\_\_\_\_\_ (b) Except as provided in subsection (3)(g), rates for services provided at a hospital must be the greater of:~~

~~\_\_\_\_\_ (i) 69% of the hospital's January 1, 1997, usual and customary charges; or~~

~~\_\_\_\_\_ (ii) the discount factor established by the department that was in effect on June 30, 1997, for the hospital. The discount factor for a hospital formed by the merger of two or more existing hospitals is computed by using the weighted average of the discount factors in effect at the time of the merger.~~

~~\_\_\_\_\_ (c) Except as provided in subsection (3)(g), the department shall adjust hospital discount factors so that the rate of payment does not exceed the annual percentage increase in the state's average weekly wage, as defined in 39-71-116.~~

~~\_\_\_\_\_ (d) The department may establish a fee schedule for hospital outpatient services rendered. The fee schedule must, in the aggregate, provide for fees that are equal to the statewide average discount factors paid to hospitals to provide the same or equivalent procedure to workers' compensation hospital outpatients.~~

~~\_\_\_\_\_ (e) The discount factors established by the department pursuant to this subsection (3) may not be less than medicaid reimbursement rates.~~

~~\_\_\_\_\_ (f)(4) For services available in Montana, insurers are not required to pay facilities located outside Montana rates that are greater than those allowed for services delivered in Montana.~~

~~(g)(5) For a medical assistance facility or a critical access hospital licensed pursuant to Title 50, chapter 5, the rate for services is the usual and customary charge. Fees paid to a licensed medical assistance facility or critical access hospital are not subject to the limitation provided in subsection (4).~~

~~\_\_\_\_\_ (4) The percentage increase in medical costs payable under this chapter may not exceed the annual percentage increase in the state's average weekly wage, as defined in 39-71-116.~~

~~(5)(6) Payment pursuant to reimbursement agreements between managed care organizations or preferred provider organizations and insurers is not bound by the provisions of this section.~~

~~(6)(7) Disputes After mediation pursuant to department rules, disputes between an insurer and a medical service provider regarding the amount of a fee for medical services must be resolved by a hearing before the department upon written application of a party to the dispute.~~

~~(7)(8) (a) After the initial visit, the worker is responsible for \$25 of the cost of each subsequent visit to a hospital emergency department for treatment relating to a compensable injury or occupational disease.~~

~~(b) "Visit", as used in this subsection (7), means each time that the worker obtains services relating to a compensable injury or occupational disease from:~~

~~(i) a treating physician;~~

~~(ii) a physical therapist;~~

~~(iii) a psychologist; or~~

~~(iv) hospital outpatient services available in a nonhospital setting.~~

~~(c) A worker is not responsible for the cost of a subsequent visit pursuant to subsection (7)(a) if the visit is for treatment requested by an insurer."~~

**Renumber:** subsequent sections

6. Page 7, line 17.

**Following:** "Applicability"

**Insert:** "dates"

**Following:** "(1)"

**Strike:** remainder of line 17

**Insert:** "[Section 3(3)(a) through (3)(c)] applies"

7. Page 7, line 19.

**Strike:** subsection (2) in its entirety

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**Insert:** "(2) [Section 3(2)(b) through (2)(d)] applies to medical treatment or services furnished on or after January 1, 2008."

And, as amended, be concurred in. Report adopted.

**HB 786**, be concurred in. Report adopted.

**JUDICIARY** (Laslovich, Chairman):

3/27/2007

**HB 35**, be concurred in. Report adopted.

**HB 617**, be concurred in. Report adopted.

**HB 629**, be concurred in. Report adopted.

**HB 657**, be concurred in. Report adopted.

**NATURAL RESOURCES AND ENERGY** (Lind, Chairman):

3/27/2007

**SB 739**, introduced bill, be amended as follows:

1. Page 3, line 15.

**Strike:** "Within 120"

**Insert:** "No sooner than 60"

2. Page 3, line 18.

**Strike:** "the voters"

**Insert:** "at least 40% of the qualified electors"

3. Page 3, line 20.

**Strike:** "the voters"

**Insert:** "a majority of at least 40% of the qualified electors"

And, as amended, do pass. Report adopted.

**PUBLIC HEALTH, WELFARE AND SAFETY** (Weinberg, Chairman):

3/27/2007

**HB 57**, be concurred in. Report adopted.

**HB 198**, be concurred in. Report adopted.

**HB 437**, be concurred in. Report adopted.

**HJR 1**, be concurred in. Report adopted.

**HJR 577**, be concurred in. Report adopted.

**STATE ADMINISTRATION** (Squires, Chairman):

3/27/2007

**HB 372**, be concurred in. Report adopted.

**TAXATION** (Elliott, Chairman):

3/27/2007

**SB 436**, introduced bill, be amended as follows:

1. Title, line 5.

**Strike:** "TAX"

**Insert:** "FEE"

**Following:** "FUND"

**Insert:** "WILDLAND"

2. Page 1, line 11.

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**Strike:** "tax levy authorized"

**Insert:** "fee on undeveloped land"

3. Page 1, line 13.

**Following:** "structures"

**Insert:** "and owners of undeveloped land"

4. Page 1, line 15.

**Following:** "(2)"

**Insert:** "(a)"

**Following:** "rates"

**Insert:** "for structures"

5. Page 1, line 16.

**Following:** "area."

**Insert:** "The fee charged to owners of structures is intended to be primarily used for structural fire prevention and suppression."

6. Page 1.

**Following:** line 16

**Insert:** "(b) The rates for undeveloped land must be applied on a fair and equal basis to all classes of undeveloped land benefited by the fire service area. The fee charged to owners of undeveloped land is intended to be primarily used for wildland fire prevention and suppression."

7. Page 1, line 18.

**Following:** "structures"

**Insert:** "and undeveloped land"

8. Page 1, line 29 through page 2, line 1.

**Strike:** subsection (6) in its entirety

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

**House bill** passed and transmitted to the Senate for concurrence: 3/26/2007

**HB 7**, introduced by Kasten

**House bill** passed and transmitted to the Senate for concurrence: 3/26/2007

**HB 278**, introduced by Stoker

**House bill** passed and transmitted to the Senate for concurrence: 3/26/2007

**HB 627**, introduced by Hilbert

**House bill** passed and transmitted to the Senate for concurrence: 3/26/2007

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**HB 808**, introduced by Clark

**Senate bill** concurred in and returned to the Senate: 3/26/2007

**SB 60**, introduced by Cobb

**Senate bill** concurred in and returned to the Senate: 3/26/2007

**SB 328**, introduced by Steinbeisser

**Senate bill** concurred in and returned to the Senate: 3/26/2007

**SB 479**, introduced by Elliott

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 3/26/2007

**SB 95**, introduced by Smith

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 563**, introduced by Elliott, Story, referred to Taxation.

**SB 564**, introduced by Elliott, referred to Taxation.

**SB 565**, introduced by Schmidt, referred to Finance and Claims.

The following House bills were introduced, read first time, and referred to committees:

**HB 4**, introduced by Musgrove, referred to Finance and Claims.

**HB 7**, introduced by Kasten, referred to Finance and Claims.

**HB 19**, introduced by McNutt, referred to Finance and Claims.

**HB 114**, introduced by Olson, referred to Finance and Claims.

**HB 131**, introduced by Sesso, referred to Finance and Claims.

**HB 278**, introduced by Stoker, referred to Public Health, Welfare and Safety.

**HB 315**, introduced by Koopman, referred to Finance and Claims.

**HB 390**, introduced by Nooney, referred to Business, Labor, and Economic Affairs.

**HB 395**, introduced by W. Jones, referred to Finance and Claims.

**HB 443**, introduced by Taylor, referred to Finance and Claims.

**HB 444**, introduced by Taylor, referred to Finance and Claims.

**HB 480**, introduced by Lake, referred to Finance and Claims.

**HB 540**, introduced by Groesbeck, referred to Finance and Claims.

**HB 569**, introduced by Rice, referred to Natural Resources and Energy.

**HB 592**, introduced by Wilson, referred to Finance and Claims.

**HB 630**, introduced by Gallik, referred to Judiciary.

**HB 644**, introduced by Sonju, referred to Taxation.

**HB 175**, introduced by Bergren, referred to Agriculture, Livestock and Irrigation.

**HB 257**, introduced by Lake, referred to Taxation.

**HB 281**, introduced by McGillvray, referred to Judiciary.

**HB 345**, introduced by Lange, referred to Taxation.



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**HB 362**, introduced by Olson, referred to Taxation.  
**HB 473**, introduced by Ross, referred to Natural Resources and Energy.  
**HB 533**, introduced by Ankney, referred to Natural Resources and Energy.  
**HB 564**, introduced by McGillvray, referred to Taxation.  
**HB 597**, introduced by Stoker, referred to Judiciary.  
**HB 778**, introduced by Stahl, referred to Taxation.  
**HB 808**, introduced by Clark, referred to Finance and Claims.  
**HJR 25**, introduced by Rice, referred to Judiciary.  
**HB 348**, introduced by Keane, referred to Business, Labor, and Economic Affairs.  
**HB 627**, introduced by Hilbert, referred to Finance and Claims.  
**HB 672**, introduced by Glaser, referred to Education and Cultural Resources.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Hansen in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 764** - Senator Ryan moved **HB 764** be concurred in. Motion carried with Senator O'Neil, Juneau voting nay.

**HB 450** - Senator Larson moved **HB 450** be concurred in. Motion carried with Senator Gallus, Jackson, McGee voting nay.

**HB 683** - Senator Moss moved **HB 683** be concurred in. Motion carried unanimously.

**HB 526** - Senator Perry moved **HB 526** be concurred in. Motion carried unanimously.

**HB 166** - Senator Larson moved **HB 166** be concurred in. Motion carried as follows:

Yeas: Bales, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Squires, Steinbeisser, Story, Tash, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 34

Nays: Balyeat, Barkus, Brown, Esp, Essmann, Gebhardt, Jackson, Laible, McGee, O'Neil, Shockley, Stapleton, J.Tropila.  
Total 13

Absent or not voting: Gallus.  
Total 1

Excused: Gillan, Smith.  
Total 2

**HB 259** - Senator Tash moved **HB 259** be concurred in. Motion carried unanimously.

**HB 427** - Senator Wanzenried moved **HB 427** be concurred in. Motion carried with Senator Balyeat, O'Neil, Story,

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McGee voting nay.

**HB 803** - Senator J. Tropila moved **HB 803** be concurred in. Motion carried unanimously.

**HB 242** - Senator Shockley moved **HB 242** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Esp, Essmann, Gallus, Gebhardt, Jackson, Laible, Larson, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, Williams.

Total 29

Nays: Cobb, Elliott, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, M.Tropila, Wanzenried, Weinberg, Mr. President.

Total 20

Absent or not voting: None.

Total 0

Excused: Gillan.

Total 1

**HB 206** - Senator Essmann moved **HB 206** be concurred in. Motion carried with Senator Harrington, Hawks, Ryan voting nay.

**HB 253** - Senator Essmann moved **HB 253** be concurred in. Motion carried unanimously.

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Hansen moved the Committee of the Whole report be adopted. Report adopted unanimously.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 116** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Gillan.

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Total 1

**HB 756** concurred in as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 45

Nays: Balyeat, McGee, O'Neil, Shockley.

Total 4

Absent or not voting: None.

Total 0

Excused: Gillan.

Total 1

**HB 369** concurred in as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Hansen, Harrington, Hawks, Jackson, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Story, Tash, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 43

Nays: Balyeat, Esp, Gebhardt, Juneau, McGee, Steinbeisser.

Total 6

Absent or not voting: None.

Total 0

Excused: Gillan.

Total 1

**SB 553** passed as follows:

Yeas: Bales, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 44

Nays: Balyeat, Barkus, Gallus, McGee, O'Neil.

Total 5

Absent or not voting: None.

Total 0

Excused: Gillan.

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Total 1

**HB 37** concurred in as follows:

Yeas: Balyeat, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 41

Nays: Bales, Barkus, Esp, McGee, Peterson, Stapleton, Story, Tash.

Total 8

Absent or not voting: None.

Total 0

Excused: Gillan.

Total 1

**HB 789** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Gillan.

Total 1

**HB 532** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Gillan.

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Total 1

**SB 174** passed as follows:

Yeas: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 26

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 24

Paired: Gillan, Aye; Barkus, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 470** passed as follows:

Yeas: Cobb, Cocchiarella, Elliott, Essmann, Gallus, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 27

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 22

Absent or not voting: None.

Total 0

Excused: Gillan.

Total 1

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1:00 p.m., Wednesday, March 28, 2007. Motion carried.

Senate adjourned at 2:51 p.m.

SENATE JOURNAL  
SIXTY-FIFTH LEGISLATIVE DAY - MARCH 27, 2007

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

**SENATE JOURNAL  
60TH LEGISLATURE  
SIXTY-SIXTH LEGISLATIVE DAY**

Helena, Montana  
March 28, 2007

Senate Chambers  
State Capitol

Senate convened at 1:00 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. Senator Gillan excused. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 41

Nays: Balyeat, Essmann, Gebhardt, Jackson, Lind, McGee, O'Neil, Shockley.  
Total 8

Absent or not voting: None.  
Total 0

Excused: Gillan.  
Total 1

**MESSAGES FROM THE GOVERNOR**

March 28, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 10** sponsored by Senator Harrington on March 22, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

March 22, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

SENATE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 28, 2007

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 11** sponsored by Senator Cocchiarella on March 22, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

March 28, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 20** sponsored by Senator Shockley on March 22, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

March 28, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 35** sponsored by Senator J. Tropila on March 22, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

March 28, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620



SENATE JOURNAL  
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Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 39** sponsored by Senator Brown on March 22, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

March 28, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 19** sponsored by Senator Shockley on March 27, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

March 28, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 29** sponsored by Senator Smith on March 27, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

March 28, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

SENATE JOURNAL  
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Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 30** sponsored by Senator Smith on March 27, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

March 28, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 32** sponsored by Senator Schmidt on March 27, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

March 28, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 40** sponsored by Senator Cocchiarella on March 27, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

March 28, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

SENATE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 28, 2007

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 43** sponsored by Senator M. Tropila on March 27, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

March 28, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 44** sponsored by Senator Larson on March 27, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

March 28, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 53** sponsored by Senator Cocchiarella on March 27, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

March 28, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

SENATE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 28, 2007

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 59** sponsored by Senator Hansen on March 27, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

March 28, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 62** sponsored by Senator Cobb on March 27, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

March 28, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 70** sponsored by Senator J. Tropila on March 27, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

March 28, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

SENATE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 28, 2007

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 72** sponsored by Senator Squires on March 27, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

March 28, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 73** sponsored by Senator McGee on March 27, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

March 28, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 76** sponsored by Senator Gillan on March 27, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

March 28, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

SENATE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 28, 2007

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 81** sponsored by Senator Schmidt on March 27, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

March 28, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 82** sponsored by Senator Brueggeman on March 27, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

March 28, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 83** sponsored by Senator Schmidt on March 27, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

March 28, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

SENATE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 28, 2007

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 84** sponsored by Senator Elliott on March 27, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

March 28, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 85** sponsored by Senator Schmidt on March 27, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

March 28, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 90** sponsored by Senator Laslovich on March 27, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

March 28, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

SENATE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 28, 2007

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 126** sponsored by Senator Gallus on March 27, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

March 28, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 136** sponsored by Senator J. Tropila on March 27, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

March 28, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 187** sponsored by Senator Bales on March 27, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

March 28, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620



SENATE JOURNAL  
SIXTY-SIXTH LEGISLATIVE DAY - MARCH 28, 2007

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 188** sponsored by Senator Tash on March 27, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

**MESSAGES FROM THE OTHER HOUSE**

<b>House bill</b> passed and transmitted to the Senate for concurrence:	3/27/2007
<b>HB 6</b> , introduced by Kasten	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	3/27/2007
<b>HB 9</b> , introduced by Kasten	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	3/27/2007
<b>HB 69</b> , introduced by McNutt	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	3/27/2007
<b>HB 141</b> , introduced by Jacobson	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	3/27/2007
<b>HB 160</b> , introduced by Stoker	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	3/27/2007
<b>HB 222</b> , introduced by L. Jones	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	3/27/2007
<b>HB 368</b> , introduced by Himmelberger	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	3/27/2007
<b>HB 677</b> , introduced by Arntzen	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	3/27/2007
<b>HB 798</b> , introduced by Lambert	
<b>Senate bill</b> passed and transmitted to the Senate for concurrence:	3/27/2007
<b>SB 341</b> , introduced by Lewis	

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Senate bill passed and transmitted to the Senate for concurrence:

3/27/2007

**SB 485**, introduced by Brueggeman

**MOTIONS**

**SEN. BOB HAWKS, SD 33, BOZEMAN** moved to add **SEN. LYNDA MOSS, SD 26, BILLINGS** as a sponsor to **SB 345**. Motion carried.

**SEN. LANE LARSON, SD 22, BILLINGS** moved to reconsider action taken on **HB 450** due to the contingency language in the bill requiring a action by the Federal Government. Senator Larson noted he has received confirmation from the Government and moved to take **HB 450** off of third reading and placed on second reading the 67th Legislative day. Motion carried.

**SEN. DANIEL MCGEE, SD 29, LAUREL** moved a subsequent motion to segregate **HB 415** from the committee report and refer it back to Local Government Committee. Motion carried.

**SEN. JOE BALLYEAT, SD 34, BOZEMAN** moved to change his vote on **HB 764** from "no" to "yes". Motion carried.

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bill was introduced, read first time, and referred to committee:

**SB 566**, introduced by Hawks, referred to Finance and Claims.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator McGee in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HJR 17** - Senator Steinbeisser moved **HJR 17** be concurred in. Motion carried with Senator Esp voting nay.

**HB 738** - Senator Cocchiarella moved **HB 738** be concurred in. Motion carried unanimously.

**HB 524** - Senator Williams moved **HB 524** be concurred in. Motion carried as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Gallus, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Laible, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Tash, J.Tropila, M.Tropila, Weinberg, Williams, Mr. President.

Total 33

Nays: Bales, Balyeat, Barkus, Black, Brown, Elliott, Essmann, Gebhardt, Jackson, Kitzenberg, Lind, McGee, O'Neil, Stapleton, Story, Wanzenried.

Total 16

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Absent or not voting: None.  
Total 0

Excused: Gillan.  
Total 1

**HB 786** - Senator Cocchiarella moved **HB 786** be concurred in. Motion carried with Senator Jent voting nay.

**SB 201** - Senator Laible moved **SB 201** do pass. Motion carried as follows:

Yeas: Black, Brueggeman, Cobb, Cocchiarella, Elliott, Essmann, Gallus, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Ryan, Schmidt, Shockley, Smith, Squires, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 34

Nays: Bales, Balyeat, Barkus, Brown, Curtiss, Esp, Gebhardt, Jackson, McGee, O'Neil, Perry, Peterson, Stapleton, Steinbeisser, Story.  
Total 15

Absent or not voting: None.  
Total 0

Excused: Gillan.  
Total 1

**SB 138** - Senator Wanzenried moved consideration of **SB 138** be passed for the day. Motion carried unanimously.

**HB 57** - Senator Esp moved **HB 57** be concurred in. Motion carried unanimously.

**HB 198** - Senator Moss moved **HB 198** be concurred in. Motion carried with Senator McGee voting nay.

**HB 437** - Senator Weinberg moved **HB 437** be concurred in. Motion carried with Senator Lind, Esp voting nay.

**HJR 1** - Senator Moss moved **HJR 1** be concurred in. Motion carried as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Squires, J.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 26

Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Essmann, Gebhardt, Jackson, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash.  
Total 21

Absent or not voting: Esp, M.Tropila.  
Total 2

Excused: Gillan.  
Total 1

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**HJR 4** - Senator J. Tropila moved **HJR 4** be concurred in. Motion carried as follows:

Yeas: Bales, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Gallus, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, J.Tropila, M.Tropila, Weinberg, Williams, Mr. President.  
Total 36

Nays: Balyeat, Barkus, Brown, Esp, Gebhardt, Jackson, McGee, O'Neil, Stapleton, Story, Tash.  
Total 11

Absent or not voting: Essmann.  
Total 1

Excused: Gillan, Wanzenried.  
Total 2

**SB 549** - Senator Story moved **SB 549** do pass. Motion carried with Senator McGee voting nay.

**SB 210** - Senator Laslovich moved **SB 210** do pass. Motion carried as follows:

Yeas: Bales, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Weinberg, Williams, Mr. President.  
Total 39

Nays: Balyeat, Barkus, Esp, Juneau, Lind, O'Neil, Schmidt, Shockley, Stapleton, Wanzenried.  
Total 10

Absent or not voting: None.  
Total 0

Excused: Gillan.  
Total 1

**HJR 7** - Senator J. Tropila moved **SJR 7** be adopted. Motion carried with Senator Esp, Jackson, M. Tropila voting nay.

**SB 281** - Senator Balyeat moved **SB 281** do pass. Motion carried unanimously.

**SB 552** - Senator Harrington moved **SB 552** do pass. Motion carried with Senator O'Neil, Lind, Balyeat voting nay.

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman McGee moved the Committee of the Whole report be adopted. Report adopted unanimously.

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**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 764** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 47

Nays: Juneau, O'Neil.  
Total 2

Absent or not voting: None.  
Total 0

Excused: Gillan.  
Total 1

**HB 683** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Gillan.  
Total 1

**HB 526** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: None.  
Total 0

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Absent or not voting: None.  
Total 0

Excused: Gillan.  
Total 1

**HB 166** concurred in as follows:

Yeas: Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Gallus, Hansen, Harrington, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, Story, Tash, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 34

Nays: Bales, Balyeat, Barkus, Brown, Elliott, Esp, Essmann, Gebhardt, Hawks, Jackson, McGee, O'Neil, Shockley, Stapleton, J.Tropila.  
Total 15

Absent or not voting: None.  
Total 0

Excused: Gillan.  
Total 1

**HB 259** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 47

Nays: Esp, McGee.  
Total 2

Absent or not voting: None.  
Total 0

Excused: Gillan.  
Total 1

**HB 427** concurred in as follows:

Yeas: Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 40

Nays: Bales, Balyeat, Barkus, McGee, O'Neil, Shockley, Stapleton, Steinbeisser, Story.  
Total 9

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Absent or not voting: None.  
Total 0

Excused: Gillan.  
Total 1

**HB 803** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Gillan.  
Total 1

**HB 242** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Esp, Essmann, Gallus, Gebhardt, Hawks, Jackson, Kitzenberg, Laible, Lewis, McGee, Moss, Murphy, O'Neil, Perry, Peterson, Schmidt, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, Wanzenried, Williams.  
Total 33

Nays: Cobb, Elliott, Hansen, Harrington, Jent, Juneau, Kaufmann, Larson, Laslovich, Lind, Pease, Ryan, Smith, M.Tropila, Weinberg, Mr. President.  
Total 16

Absent or not voting: None.  
Total 0

Excused: Gillan.  
Total 1

**HB 206** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Hansen, Harrington, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 47

Nays: Hawks, Ryan.  
Total 2

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Absent or not voting: None.  
Total 0

Excused: Gillan.  
Total 1

**HB 253** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Gillan.  
Total 1

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1:00 p.m., Thursday, March 29, 2007. Motion carried.

Senate adjourned at 3:04 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate



**SENATE JOURNAL  
60TH LEGISLATURE  
SIXTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana  
March 29, 2007

Senate Chambers  
State Capitol

Senate convened at 1:00 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. Senator Gillan excused. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 41

Nays: Balyeat, Essmann, Gebhardt, Jackson, Lind, McGee, O'Neil, Shockley.

Total 8

Absent or not voting: None.

Total 0

Excused: Gillan.

Total 1

**REPORTS OF STANDING COMMITTEES**

**JUDICIARY** (Laslovich, Chairman):

3/29/2007

**HB 300**, be amended as follows:

1. Page 2, line 7.

**Following:** "upon"

**Strike:** "an"

**Insert:** "a verifiable"

And, as amended, be concurred in. Report adopted.

**HB 310**, be amended as follows:

1. Page 5, line 4.

**Strike:** "Title 70, chapter 20," in 2 places

**Insert:** "Title 72, chapter 6" in 2 places

And, as amended, be concurred in. Report adopted.

**HB 587**, be concurred in. Report adopted.

**HB 768**, be concurred in. Report adopted.

**NATURAL RESOURCES AND ENERGY** (Lind, Chairman):

3/29/2007

**HJR 5**, be concurred in. Report adopted.

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**HJR 34**, be concurred in. Report adopted.  
**HJR 40**, be concurred in. Report adopted.

**PUBLIC HEALTH, WELFARE AND SAFETY** (Weinberg, Chairman): 3/29/2007

**HB 769**, be concurred in. Report adopted.  
**HB 782**, be concurred in. Report adopted.  
**HJR 22**, be concurred in. Report adopted.  
**HJR 26**, be concurred in. Report adopted.  
**HJR 33**, be concurred in. Report adopted.  
**HJR 42**, be concurred in. Report adopted.  
**HJR 44**, be concurred in. Report adopted.

**STATE ADMINISTRATION** (Squires, Chairman): 3/29/2007  
**SR 8**, be adopted. Report adopted.

**TAXATION** (Elliott, Chairman): 3/29/2007  
**SB 105**, introduced bill, be amended as follows:

1. Title, line 5.

**Following:** "A"

**Insert:** "3-YEAR"

**Following:** "FOR"

**Insert:** "NEW"

**Following:** "EQUIPMENT"

**Insert:** "SPECIFICALLY"

2. Title, line 6.

**Following:** "CAPTURE,"

**Strike:** "REUSE"

**Insert:** "TRANSPORT"

**Following:** "OR"

**Insert:** "GEOLOGICALLY"

**Following:** "DIOXIDE"

**Insert:** "; PROVIDING THAT CARBON DIOXIDE SEQUESTRATION EQUIPMENT IS TAXED AS CLASS FIVE PROPERTY; AMENDING SECTION 15-6-135, MCA; AND PROVIDING A CONTINGENT VOIDNESS PROVISION"

3. Page 1, lines 10 and 11.

**Following:** "exempt"

**Insert:** " -- 3 years"

**Strike:** "All associated" on line 10 through "dioxide" on line 11

**Insert:** "For the first 3 tax years after the property becomes operational, all new carbon dioxide sequestration equipment, as defined in 15-6-135,"

4. Page 1, line 13.

**Insert:** "Section 2. Section 15-6-135, MCA, is amended to read:

**"15-6-135. Class five property -- description -- taxable percentage.** (1) Class five property includes:

(a) all property used and owned by cooperative rural electrical and cooperative rural telephone associations organized under the laws of Montana, except property owned by cooperative organizations described in 15-6-137(1)(a);

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- (b) air and water pollution control equipment as defined in this section;
- (c) new industrial property as defined in this section;
- (d) any personal or real property used primarily in the production of gasohol during construction and for the first 3 years of its operation;
- (e) all land and improvements and all personal property owned by a research and development firm, provided that the property is actively devoted to research and development;
- (f) machinery and equipment used in electrolytic reduction facilities;
- (g) all property used and owned by persons, firms, corporations, or other organizations that are engaged in the business of furnishing telecommunications services exclusively to rural areas or to rural areas and cities and towns of 1,200 permanent residents or less;
- (h) except as provided in [section 1], carbon dioxide sequestration equipment as defined in this section.

(2) (a) "Air and water pollution control equipment" means that portion of identifiable property, facilities, machinery, devices, or equipment designed, constructed, under construction, or operated for removing, disposing, abating, treating, eliminating, destroying, neutralizing, stabilizing, rendering inert, storing, or preventing the creation of air or water pollutants that, except for the use of the item, would be released to the environment. Reduction in pollutants obtained through operational techniques without specific facilities, machinery, devices, or equipment is not eligible for certification under this section.

(b) Requests for certification must be made on forms available from the department of revenue. Certification may not be granted unless the applicant is in substantial compliance with all applicable rules, laws, orders, or permit conditions. Certification remains in effect only as long as substantial compliance continues.

(c) The department of environmental quality shall promulgate rules specifying procedures, including timeframes for certification application, and definitions necessary to identify air and water pollution control equipment for certification and compliance. The department of revenue shall promulgate rules pertaining to the valuation of qualifying air and water pollution control equipment. The department of environmental quality shall identify and track compliance in the use of certified air and water pollution control equipment and report continuous acts or patterns of noncompliance at a facility to the department of revenue. Casual or isolated incidents of noncompliance at a facility do not affect certification.

(d) A person may appeal the certification, classification, and valuation of the property to the state tax appeal board. Appeals on the property certification must name the department of environmental quality as the respondent, and appeals on the classification or valuation of the equipment must name the department of revenue as the respondent.

(3) (a) "Carbon dioxide sequestration equipment" means any new industrial plant, including land, buildings, machinery, and fixtures, used by new industries during the first 3 years of their operation. The property may not have been assessed within the state of Montana prior to July 1, 1961.

(b) The department shall include:

- (i) property used by retail or wholesale merchants, commercial services of any type, agriculture, trades, or professions unless the business or profession meets the requirements of subsection (5)(b)(v);
- (ii) a plant that will create adverse impact on existing state, county, or municipal services; or
- (iii) property used or employed in an industrial plant that has been in operation in this state for 3 years or longer.

(4) (a) "New industrial property" means any person, corporation, firm, partnership, association, or other group that establishes a new plant in Montana for the operation of a new industrial endeavor, as distinguished from a mere expansion, reorganization, or merger of an existing industry.

(b) New industry includes only those industries that:

- (i) manufacture, mill, mine, produce, process, or fabricate materials;
- (ii) do similar work, employing capital and labor, in which materials unserviceable in their natural state are extracted, processed, or made fit for use or are substantially altered or treated so as to create commercial products or materials;
- (iii) engage in the mechanical or chemical transformation of materials or substances into new products in the manner defined as manufacturing in the North American Industry Classification System Manual prepared by the United States office of management and budget;

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(iv) engage in the transportation, warehousing, or distribution of commercial products or materials if 50% or more of an industry's gross sales or receipts are earned from outside the state; or

(v) earn 50% or more of their annual gross income from out-of-state sales.

(5) (a) "Carbon dioxide sequestration equipment" means "new industry" identifiable equipment designed and constructed primarily for the purpose of the capture, transport, or geological sequestration of carbon dioxide that would otherwise be released into the atmosphere. Property that results in a reduction in carbon dioxide emissions through operational techniques, facility improvement, or without the use of specifically designed and constructed equipment is not carbon dioxide sequestration equipment classified under this section.

(b) The department shall provide, by rule, specific criteria necessary for the classification of carbon dioxide sequestration equipment. The rules relating to carbon dioxide sequestration must be adopted based upon rules adopted by the board of environmental review pursuant to [section 2 of Senate Bill No. 218]. The rules must also address application procedures, definitions, valuation of the equipment, and other matters that the department considers necessary for the administration of the classification of carbon dioxide sequestration equipment.

~~(5)(6)~~ Class five property is taxed at 3% of its market value.""

**Renumber:** subsequent section

5. Page 1, line 15.

**Strike:** "6, part 2" in both places

**Insert:** "32" in both places

6. Page 1, line 16.

**Insert:** "NEW SECTION. Section 4. Contingent voidness. If Senate Bill No. 218 is not passed and approved, then [this act] is void."

And, as amended, do pass. Report adopted.

**SB 551**, introduced bill, be amended as follows:

1. Title, page 1, line 8 through line 11.

**Strike:** "PROVIDING" on line 8 through "TAXED;" on line 11

2. Page 2, line 9.

**Following:** "50%"

**Insert:** "of the first year's production"

3. Page 2, line 11.

**Strike:** "3"

**Insert:** "5"

**Following:** "if the"

**Insert:** "first year's new production of"

4. Page 2, line 13.

**Strike:** "3"

**Insert:** "5"

5. Page 2, line 15 through line 23.

**Strike:** subsection (b) in its entirety

**Renumber:** subsequent subsection

6. Page 2, line 24.

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**Strike:** "or an adjusted rate under subsection (4)(b)"

7. Page 2.

**Following:** line 25

**Insert:** "(c) The exemptions under subsections (4)(a)(i) and (4)(a)(ii) continue for the full 5-year term if the number of tons of production necessary to qualify for the exemption in the first year does not decrease."

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

**House bill** passed and transmitted to the Senate for concurrence: 3/28/2007

**HB 12**, introduced by Callahan

**House bill** passed and transmitted to the Senate for concurrence: 3/28/2007

**HB 95**, introduced by Olson

**House bill** passed and transmitted to the Senate for concurrence: 3/28/2007

**HB 125**, introduced by Kasten

**House bill** passed and transmitted to the Senate for concurrence: 3/28/2007

**HB 829**, introduced by L. Jones

**HB 298**, introduced by Hiner, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and was transmitted to the Senate with the following vote:

3/28/2007

Yeas - 92

Nays - 8

**Senate bill** concurred in and returned to the Senate: 3/28/2007

**SB 77**, introduced by Laible

**Senate bill** concurred in and returned to the Senate: 3/28/2007

**SB 164**, introduced by Gallus

**Senate bill** concurred in and returned to the Senate: 3/28/2007

**SB 170**, introduced by Perry

**Senate bill** concurred in and returned to the Senate: 3/28/2007

**SB 203**, introduced by Balyeat

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<b>Senate bill</b> concurred in and returned to the Senate:	3/28/2007
<b>SB 245</b> , introduced by McGee	
<b>Senate bill</b> concurred in and returned to the Senate:	3/28/2007
<b>SB 466</b> , introduced by Cocchiarella	
<b>Senate bill</b> concurred in and returned to the Senate:	3/28/2007
<b>SB 467</b> , introduced by Cocchiarella	
<b>Senate bill</b> concurred in and returned to the Senate:	3/28/2007
<b>SB 536</b> , introduced by Perry	
<b>Senate bill</b> concurred in and returned to the Senate:	3/28/2007
<b>SB 537</b> , introduced by Brown	
<b>Senate bill</b> concurred in as amended and returned to the Senate for concurrence in House amendments:	3/28/2007
<b>SB 145</b> , introduced by Shockley	
<b>Senate bill</b> concurred in as amended and returned to the Senate for concurrence in House amendments:	3/28/2007
<b>SB 214</b> , introduced by Lewis	
<b>Senate bill</b> concurred in as amended and returned to the Senate for concurrence in House amendments:	3/28/2007
<b>SB 289</b> , introduced by Gallus	
<b>Senate bill</b> concurred in as amended and returned to the Senate for concurrence in House amendments:	3/28/2007
<b>SB 339</b> , introduced by Murphy	
<b>Senate bill</b> concurred in as amended and returned to the Senate for concurrence in House amendments:	3/28/2007
<b>SB 544</b> , introduced by Hansen	

**MOTIONS**

**SEN. TRUDI SCHMIDT, SD 11, GREAT FALLS** moved to re-refer **SB 356** to Finance and Claims Committee. Motion carried as follows:

Yeas: Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, O'Neil, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 27

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Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Jackson, Laible, Lewis, McGee, Murphy, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story.

Total 22

Absent or not voting: None.

Total 0

Excused: Tash.

Total 1

**SEN. TRUDI SCHMIDT, SD 11, GREAT FALLS** moved to re-refer **SB 375** to Finance and Claims Committee. Motion carried as follows:

Yeas: Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Murphy, O'Neil, Pease, Ryan, Schmidt, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 26

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Perry, Peterson, Shockley, Smith, Stapleton, Steinbeisser, Story.

Total 23

Absent or not voting: None.

Total 0

Excused: Tash.

Total 1

**SEN. TRUDI SCHMIDT, SD 11, GREAT FALLS** moved to re-refer **SB400** to Finance and Claims Committee. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Curtiss, Gallus, Gebhardt, Gillan, Hansen, Hawks, Jent, Kitzenberg, Larson, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Stapleton, Steinbeisser, J.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 31

Nays: Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Essmann, Harrington, Jackson, Juneau, Kaufmann, Laible, Laslovich, Lewis, McGee, Squires, Story, M.Tropila.

Total 18

Absent or not voting: None.

Total 0

Excused: Tash.

Total 1

**SEN. DANIEL MCGEE, SD 29, LAUREL** moved to re-refer **SB 220** to Finance and Claims Committee. Motion failed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson,

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Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story.  
Total 23

Nays: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 26

Absent or not voting: None.  
Total 0

Excused: Tash.  
Total 1

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bill was introduced, read first time, and referred to committee:

**SB 567**, introduced by Gillan, Laslovich, referred to Taxation.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Laslovich in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 450** - Senator Larson moved **HB 450**, second reading copy, be amended as follows:

1. Title, line 9.

**Strike:** "A CONTINGENT"

**Insert:** "AN IMMEDIATE"

**Following:** "DATE"

**Insert:** "AND A CONTINGENT TERMINATION DATE"

2. Page 5, line 19 through line 24.

**Strike:** section 4 in its entirety

**Insert:** "NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval."

**Insert:** "NEW SECTION. **Section 5. Contingent termination.** [This act] terminates 3 years after [the effective date of this act] unless the director of the department of public health and human certifies to the governor and the secretary of state and provides written notice to the code commissioner that an extension to the use of the last four digits of a social security number for recreational licenses has been granted by the federal government."

Amendment adopted unanimously.

**HB 450** - Senator Larson moved **HB 450**, as amended, be concurred in. Motion carried with Senator McGee voting nay.



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**SB 356** - Senator Brueggeman moved **SB 356** do pass. Motion carried as follows:

Yeas: Bales, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Jackson, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Perry, Ryan, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Weinberg, Williams.

Total 38

Nays: Balyeat, Barkus, Hawks, Juneau, McGee, Murphy, O'Neil, Peterson, Schmidt, Shockley, Wanzenried, Mr. President.

Total 12

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 375** - Senator McGee moved **SB 375** do pass. Motion carried as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Jackson, Jent, Kaufmann, Kitzenberg, Laible, Laslovich, Lewis, McGee, Pease, Perry, Peterson, Ryan, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila.

Total 32

Nays: Balyeat, Cobb, Hansen, Harrington, Hawks, Juneau, Larson, Lind, Moss, Murphy, O'Neil, Schmidt, Shockley, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 18

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 400** - Senator Kaufmann moved **SB 400** do pass. Motion carried as follows:

Yeas: Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams.

Total 39

Nays: Bales, Balyeat, Curtiss, Jackson, McGee, Murphy, O'Neil, Shockley, Steinbeisser, Mr. President.

Total 10

Absent or not voting: None.

Total 0

Excused: Stapleton.

Total 1

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**SB 550** - Senator Laible moved **SB 550** do pass. Motion carried unanimously.

**SB 436** - Senator Gebhardt moved **SB 436** do pass. Motion carried unanimously.

**HB 112** - Senator Gebhardt moved **HB 112** be concurred in. Motion carried unanimously.

**HB 265** - Senator Esp moved **HB 265** be concurred in. Motion carried unanimously.

**SB 220** - Senator Cobb moved **SB 220**, second reading copy, be amended as follows:

1. Title, line 23.

**Following:** "EXCEEDED;"

**Insert:** "EXEMPTING FROM TAXATION ITEMS OF PERSONAL PROPERTY WITH A MARKET VALUE OF LESS THAN \$100;"

2. Title, page 1, line 24.

**Strike:** the first "AND"

**Insert:** ", "

**Following:** "15-6-138,"

**Insert:** "AND 15-6-219,"

3. Page 23, line 23.

**Insert:** "Section 25. Section 15-6-219, MCA, is amended to read:

**"15-6-219. Personal and other property exemptions.** The following categories of property are exempt from taxation:

(1) items of personal property with a market value of less than \$100;

~~(1)(2)~~ harness, saddlery, and other tack equipment;

~~(2)(3)~~ the first \$15,000 or less of market value of tools owned by the taxpayer that are customarily hand-held and that are used to:

(a) construct, repair, and maintain improvements to real property; or

(b) repair and maintain machinery, equipment, appliances, or other personal property;

~~(3)(4)~~ all household goods and furniture, including but not limited to clocks, musical instruments, sewing machines, and wearing apparel of members of the family, used by the owner for personal and domestic purposes or for furnishing or equipping the family residence;

~~(4)(5)~~ a bicycle, as defined in 61-8-102, used by the owner for personal transportation purposes;

~~(5)(6)~~ items of personal property intended for rent or lease in the ordinary course of business if each item of personal property satisfies all of the following:

(a) the acquired cost of the personal property is less than \$15,000;

(b) the personal property is owned by a business whose primary business income is from rental or lease of personal property to individuals and no one customer of the business accounts for more than 10% of the total rentals or leases during a calendar year; and

(c) the lease of the personal property is generally on an hourly, daily, or weekly basis;

~~(6)(7)~~ space vehicles and all machinery, fixtures, equipment, and tools used in the design, manufacture, launch, repair, and maintenance of space vehicles that are owned by businesses engaged in manufacturing and launching space vehicles in the state or that are owned by a contractor or subcontractor of that business and that are directly used for space vehicle design, manufacture, launch, repair, and maintenance; and

~~(7)(8)~~ a title plant owned by a title insurer or a title insurance producer, as those terms are defined in 33-25-105."

**Renumber:** subsequent sections

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Amendment adopted unanimously.

**SB 220** - Senator Elliott moved **SB 220**, second reading copy, be amended as follows:

1. Page 11, line 18.

**Strike:** "POTENTIAL FOR EVASION OF TAX -- TAX"

**Insert:** "Tax"

Amendment adopted unanimously.

**SB 220** - Senator Elliott moved **SB 220**, second reading copy, be further amended as follows:

1. Title, lines 21 and 22.

**Strike:** "THRESHOLD" on line 21 through "\$150,000" on line 22

**Insert:** "TO THE FIRST \$80,000 OF MARKET VALUE OF PROPERTY"

2. Page 23, line 6.

**Following:** "THE"

**Insert:** "first \$80,000 of market value of"

**Following:** "property"

**Strike:** "of"

**Insert:** "owned by"

3. Page 23, line 7 through line 8.

**Strike:** "that" on line 7 through "less" on line 8

Amendment adopted with Senator Harrington, Gallus, Kaufmann voting nay.

**SB 220** - Senator Elliott moved **SB 220**, as amended, do pass. Motion carried as follows:

Yeas: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 27

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Laslovich moved the Committee of the Whole report be adopted. Report adopted unanimously.

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**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HJR 17** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: Esp.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 738** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 524** concurred in as follows:

Yeas: Black, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Story, Tash, J.Tropila, M.Tropila, Weinberg, Williams, Mr. President.

Total 36

Nays: Bales, Balyeat, Barkus, Brown, Curtiss, Essmann, Gallus, Jackson, McGee, O'Neil, Shockley, Stapleton, Steinbeisser, Wanzenried.

Total 14

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 786** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 201** passed as follows:

Yeas: Black, Brueggeman, Cobb, Cocchiarella, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 36

Nays: Bales, Balyeat, Barkus, Brown, Curtiss, Esp, Gebhardt, Jackson, McGee, O'Neil, Perry, Peterson, Steinbeisser, Story.  
Total 14

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 57** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

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Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 198** concurred in as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 43

Nays: Balyeat, Esp, McGee, Murphy, O'Neil, Stapleton, Steinbeisser.  
Total 7

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 437** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: Shockley.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HJR 1** concurred in as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 29

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Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Esp, Essmann, Gebhardt, Jackson, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 21

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HJR 4** concurred in as follows:

Yeas: Bales, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 39

Nays: Balyeat, Barkus, Brown, Esp, Essmann, Gebhardt, Jackson, McGee, O'Neil, Story, Tash.  
Total 11

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 549** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 48

Nays: Curtiss, McGee.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 210** passed as follows:

Yeas: Bales, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Weinberg, Williams.  
Total 41

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Nays: Balyeat, Barkus, Esp, Hawks, O'Neil, Schmidt, Shockley, Wanzenried, Mr. President.  
Total 9

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HJR 7** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 47

Nays: Esp, Jackson, McGee.  
Total 3

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 281** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 552** passed as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 47



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Nays: Balyeat, O'Neil, Steinbeisser.  
Total 3

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1:00 p.m., Friday, March 30, 2007. Motion carried.

Senate adjourned at 4:42 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

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60TH LEGISLATURE  
SIXTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana  
March 30, 2007

Senate Chambers  
State Capitol

Senate convened at 1:00 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 41

Nays: Balyeat, Gebhardt, Jackson, Lind, McGee, O'Neil, Shockley.  
Total 7

Absent or not voting: None.  
Total 0

Excused: Jent, Ryan.  
Total 2

**REPORTS OF STANDING COMMITTEES**

**HIGHWAYS AND TRANSPORTATION** (Pease, Chairman):  
**HB 26**, be amended as follows:

3/30/2007

1. Page 1.

**Following:** line 21

**Insert:** "(c) the director of the department of revenue provided for in 2-15-1301;

(d) the chief business development officer of the office of economic development provided for in 2-15-218;"

**Renumber:** subsequent subsections

And, as amended, be concurred in. Report adopted.

**HB 428**, be concurred in. Report adopted.

3/30/2007

**HB 737**, be amended as follows:

1. Page 1, line 30.

**Strike:** "classic"

2. Page 2, line 1.

**Strike:** "classic"

3. Page 2, line 13.

**Strike:** "classic"

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4. Page 2, line 14.

**Strike:** "classic" in two places

5. Page 2, line 22.

**Strike:** "classic"

6. Page 17, line 26.

**Strike:** "classic"

7. Page 18, line 15.

**Following:** "number"

**Insert:** "other than a social security number"

8. Page 22, line 19.

**Strike:** "classic"

And, as amended, be concurred in. Report adopted.

**NATURAL RESOURCES AND ENERGY** (Lind, Chairman):

3/30/2007

**SB 558**, introduced bill, be amended as follows:

1. Title, line 6.

**Following:** "AUTHORITY;"

**Insert:** "ALLOWING THE CONSUMER COUNSEL TO PARTICIPATE IN CERTAIN AUTHORITY PROCEEDINGS;"

2. Title, line 10.

**Following:** "AUTHORITY"

**Insert:** "TRANSMISSION AND DISTRIBUTION"

**Following:** "PURPOSES;"

**Insert:** "CLASSIFYING AUTHORITY ELECTRICAL GENERATION FACILITY PROPERTY AS CLASS THIRTEEN PROPERTY FOR PROPERTY TAX PURPOSES; CLASSIFYING AUTHORITY WIND GENERATION FACILITY PROPERTY AS CLASS FOURTEEN PROPERTY FOR PROPERTY TAX PURPOSES;"

3. Title, line 13.

**Following:** "APPROPRIATIONS;"

**Insert:** "CLARIFYING THAT THE PROVISIONS OF THE TERRITORIAL INTEGRITY ACT APPLY TO THE AUTHORITY;"

**Following:** "15-6-141,"

**Insert:** "15-6-156, 15-6-157,"

**Following:** "15-24-1203,"

**Strike:** "AND"

**Insert:** "18-2-101,"

**Following:** "18-4-313,"

**Insert:** "69-5-101, AND 69-8-103,"

4. Page 3, line 22.

**Following:** "7]"

**Insert:** "and subsection (3) of this section"

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5. Page 5, line 21.

**Insert:** "(3) The authority may not exercise the power of eminent domain pursuant to Title 70, chapter 30, to acquire property other than for rights-of-way for gas pipelines and electric power lines."

6. Page 5, line 24.

**Following:** "in"

**Strike:** "[section 7]"

**Insert:** "[sections 5(3) and 7]"

7. Page 6, line 29.

**Following:** "authority"

**Insert:** "-- consumer counsel participation"

8. Page 6, line 29 through page 7, line 1.

**Strike:** subsection (1) in its entirety

**Renumber:** subsequent subsection

9. Page 7, line 5 through line 6.

**Strike:** "of" on line 5 through "ownership" on line 6

**Insert:** "is in the public interest"

10. Page 7, line 7.

**Insert:** "(2) The consumer counsel may participate in authority proceedings that establish customer rates and services related to electricity or natural gas generation, transmission, and distribution."

11. Page 14, line 7.

**Insert:** "Section 24. Section 15-6-156, MCA, is amended to read:

**"15-6-156. Class thirteen property -- description -- taxable percentage.** (1) Except as provided in subsections (2)(a) through (2)(g), class thirteen property includes:

(a) electrical generation facilities, except wind generation facilities classified under 15-6-157, of a centrally assessed electric power company;

(b) electrical generation facilities, except wind generation facilities classified under 15-6-157, owned or operated by an exempt wholesale generator or an entity certified as an exempt wholesale generator pursuant to section 32 of the Public Utility Holding Company Act of 1935, 15 U.S.C. 79z-5a;

(c) noncentrally assessed electrical generation facilities, except wind generation facilities classified under 15-6-157, owned or operated by any electrical energy producer;

(d) noncentrally assessed electrical generation facilities, except wind generation facilities classified under 15-6-157, owned or operated by the Montana electric and gas authority provided for in [section 3]; and

~~(d)(e)~~ allocations of centrally assessed telecommunications services companies.

(2) Class thirteen property does not include:

(a) property owned by cooperative rural electric cooperative associations classified under 15-6-135;

(b) property owned by cooperative rural electric cooperative associations classified under 15-6-137 or 15-6-157;

(c) allocations of electric power company property under 15-6-141;

(d) electrical generation facilities included in another class of property;

(e) property owned by cooperative rural telephone associations and classified under 15-6-135;

(f) property owned by organizations providing telecommunications services and classified under 15-6-135; and

(g) generation facilities that are exempt under 15-6-225.

(3) (a) For the purposes of this section, "electrical generation facilities" means any combination of a physically connected generator or generators, associated prime movers, and other associated property, including

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appurtenant land and improvements and personal property, that are normally operated together to produce electric power. The term includes but is not limited to generating facilities that produce electricity from coal-fired steam turbines, oil or gas turbines, or turbine generators that are driven by falling water.

(b) The term does not include electrical generation facilities used for noncommercial purposes or exclusively for agricultural purposes.

(c) The term also does not include a qualifying small power production facility, as that term is defined in 16 U.S.C. 796(17), that is owned and operated by a person not primarily engaged in the generation or sale of electricity other than electric power from a small power production facility and classified under 15-6-134 and 15-6-138.

(4) Class thirteen property is taxed at 6% of its market value."

**Insert: "Section 25.** Section 15-6-157, MCA, is amended to read:

**"15-6-157. Class fourteen property -- description -- taxable percentage.** (1) Class fourteen property includes:

(a) wind generation facilities of a centrally assessed electric power company;

(b) wind generation facilities owned or operated by an exempt wholesale generator or an entity certified as an exempt wholesale generator pursuant to section 32 of the Public Utility Holding Company Act of 1935, 15 U.S.C. 79z-5a;

(c) noncentrally assessed wind generation facilities owned or operated by any electrical energy producer;

(d) wind generation facilities owned or operated by cooperative rural electric associations described under 15-6-137;

(e) wind generation facilities owned or operated by the Montana electric and gas authority provided for in [section 3].

(2) Class fourteen property does not include wind generation facilities:

(a) at which the standard prevailing rate of wages for heavy construction, as provided in 18-2-401(13)(a), was not paid during the construction phase; or

(b) that are exempt under 15-6-225.

(3) For the purposes of this section, "wind generation facilities" means any combination of a physically connected wind turbine or turbines, associated prime movers, and other associated property, including appurtenant land and improvements and personal property, that are normally operated together to produce electric power from wind.

(4) Class fourteen property is taxed at 3% of its market value."

**Renumber:** subsequent sections

12. Page 14, line 11.

**Following:** "15-6-141"

**Insert:** ", 15-6-156, 15-6-157,"

13. Page 18, line 21.

**Insert: "Section 28.** Section 18-2-101, MCA, is amended to read:

**"18-2-101. Definitions of building, costs, and construction.** In part 1 of this chapter, with the exception of 18-2-104, 18-2-107, 18-2-113, 18-2-114, 18-2-122, and 18-2-123:

(1) "building" includes a building, facility, or structure:

(a) constructed or purchased wholly or in part with state money;

(b) at a state institution;

(c) owned or to be owned by a state agency, including the department of transportation; or

(d) constructed for the use or benefit of the state with federal or private money as provided in 18-2-102(2)(d);

(2) "building" does not include a building, facility, or structure:

(a) owned or to be owned by a county, city, town, school district, or special improvement district;

(b) used as a component part of an environmental remediation or abandoned mine land reclamation project, a highway, or a water conservation project, unless the building will require a continuing state general fund financial

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obligation after the environmental remediation or abandoned mine land reclamation project is completed; ~~or~~

(c) leased or to be leased by a state agency; or

(d) constructed, owned, or operated by the Montana electric and gas authority provided for in [section 3];

(3) "construction" includes the construction, alteration, repair, maintenance, and remodeling of a building and the equipping and furnishing of a building during construction, alteration, repair, maintenance, and remodeling;

(4) "costs" means those expenses defined in 17-5-801."

**Renumber:** subsequent sections

14. Page 19, line 13.

**Insert: "Section 30.** Section 69-5-102, MCA, is amended to read:

**"69-5-102. Definitions.** When used in this part, the following definitions apply:

(1) "Agreement" means a written agreement between two or more electric facilities providers that identifies the geographical area to be served exclusively by each electric facilities provider that is a party to the agreement and any terms and conditions pertinent to the agreement.

(2) "Electric cooperative" means a rural electric cooperative organized under Title 35, chapter 18, or a foreign corporation admitted ~~thereunder~~ under that chapter to do business in Montana.

(3) "Electric facilities provider" means any utility that provides electric service facilities to the public.

(4) "Electric service facilities" means any distribution or transmission system or related facility necessary to provide electricity to the premises, including lines.

(5) "Electric utility" means a person, firm, or corporation other than an electric cooperative that provides electric service facilities to the public.

(6) "Line" means any electric supply conductor.

(7) "Premises" means a building, residence, structure, or facility to which electric service facilities are provided or are to be installed; however, two or more buildings, structures, or facilities that are located on one tract or contiguous tracts of land and that are used by one electric consumer for farming, business, commercial, industrial, institutional, governmental, or trailer court purposes must together constitute one premises, except that any building, structure, or facility, other than a trailer court, may not, together with any other building, structure, or facility, constitute one premises if the electric service to it is separately metered and the charges for that service are calculated independently of charges for service to any other building, structure, or facility.

(8) "Utility" means a public utility regulated by the commission pursuant to Title 69, chapter 3, ~~or~~ a utility qualifying as an electric cooperative pursuant to Title 35, chapter 18, or the Montana electric and gas authority provided for in [section 3]."

**Insert: "Section 31.** Section 69-8-103, MCA, is amended to read:

**"69-8-103. Definitions.** As used in this chapter, unless the context requires otherwise, the following definitions apply:

(1) "Aggregator" or "market aggregator" means an entity, licensed by the commission, that aggregates retail customers, purchases electrical energy, and takes title to electrical energy as an intermediary for sale to retail customers.

(2) "Assignee" means any entity, including a corporation, partnership, board, trust, or financing vehicle, to which a utility assigns, sells, or transfers, other than as security, all or a portion of the utility's interest in or right to transition property. The term also includes an entity, corporation, public authority, partnership, trust, or financing vehicle to which an assignee assigns, sells, or transfers, other than as security, the assignee's interest in or right to transition property.

(3) "Board" means the board of investments created by 2-15-1808.

(4) "Broker" or "marketer" means an entity, licensed by the commission, that acts as an agent or intermediary in the sale and purchase of electrical energy but that does not take title to electrical energy.

(5) "Cooperative utility" means:

(a) a utility qualifying as an electric cooperative pursuant to Title 35, chapter 18; or

(b) an existing municipal electric utility as of May 2, 1997.

(6) "Customer" or "consumer" means a retail electric customer or consumer. The university of Montana, pursuant to 20-25-201(1), and Montana state university, pursuant to 20-25-201(2), are each considered a single retail

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electric customer or consumer with a single individual load.

(7) "Customer-generator" means a user of a net metering system.

(8) "Default supplier" means a distribution services provider of a utility that has restructured in accordance with this chapter.

(9) "Default supply service" means the provision of electricity supply by a default supplier.

(10) "Distribution facilities" means those facilities by and through which electricity is received from a transmission services provider and distributed to the customer and that are controlled or operated by a distribution services provider.

(11) "Distribution services provider" means a utility owning distribution facilities for distribution of electricity to the public.

(12) "Electricity supplier" means any person, including aggregators, market aggregators, brokers, and marketers, offering to sell electricity to retail customers in the state of Montana.

(13) "Electricity supply costs" means the actual costs of providing default supply service, including but not limited to:

- (a) capacity costs;
- (b) energy costs;
- (c) fuel costs;
- (d) ancillary service costs;
- (e) demand-side management and energy efficiency costs;
- (f) transmission costs, including congestion and losses;
- (g) billing costs;
- (h) planning and administrative costs; and

(i) any other costs directly related to the purchase of electricity, management of default electricity supply costs, and provision of default supply and related services.

(14) "Financing order" means an order of the commission adopted in accordance with 69-8-503 that authorizes the imposition and collection of fixed transition amounts and the issuance of transition bonds.

(15) (a) "Fixed transition amounts" means those nonbypassable rates or charges, including but not limited to:

- (i) distribution;
- (ii) connection;
- (iii) disconnection; and

(iv) termination rates and charges that are authorized by the commission in a financing order to permit recovery of transition costs and the costs of recovering, reimbursing, financing, or refinancing the transition costs and of acquiring transition property through a plan approved by the commission in the financing order, including the costs of issuing, servicing, and retiring transition bonds.

(b) If requested by the utility in the utility's application for a financing order, fixed transition amounts must include nonbypassable rates or charges to recover federal and state taxes in which the transition cost recovery period is modified by the transactions approved in the financing order.

(16) "Functionally separate" means a utility's separation of the utility's electricity supply, transmission, distribution, and unregulated retail energy services assets and operations.

(17) "Interested person" means a retail electricity customer, the consumer counsel established in 5-15-201, the commission, or a utility.

(18) "Large customer" means, for universal system benefits programs purposes, a customer with an individual load greater than a monthly average of 1,000 kilowatt demand in the previous calendar year for that individual load.

(19) "Local governing body" means a local board of trustees of a rural electric cooperative.

(20) "Low-income customer" means those energy consumer households and families with incomes at or below industry-recognized levels that qualify those consumers for low-income energy-related assistance.

(21) "Net metering" means measuring the difference between the electricity distributed to and the electricity generated by a customer-generator that is fed back to the distribution system during the applicable billing period.

(22) "Net metering system" means a facility for the production of electrical energy that:

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- (a) uses as its fuel solar, wind, or hydropower;
- (b) has a generating capacity of not more than 50 kilowatts;
- (c) is located on the customer-generator's premises;
- (d) operates in parallel with the distribution services provider's distribution facilities; and
- (e) is intended primarily to offset part or all of the customer-generator's requirements for electricity.

(23) "Nonbypassable rates or charges" means rates or charges that are approved by the commission and imposed on a customer to pay the customer's share of transition costs or universal system benefits programs costs even if the customer has physically bypassed either the utility's transmission or distribution facilities.

(24) "Pilot program" means an experimental program using a select set of small customers to assess the potential for developing and offering customer choice of electricity supply to small customers in the future.

(25) "Public utility" means, except for the Montana electric and gas authority established in [section 3], any electric utility regulated by the commission pursuant to Title 69, chapter 3, on May 2, 1997, including the public utility's successors or assignees.

(26) "Qualifying load" means, for payments and credits associated with universal system benefits programs, all nonresidential demand-metered accounts of a large customer within the utility's service territory in which the customer qualifies as a large customer.

(27) "Small customer" means a residential customer or a commercial customer who has an individual account with an average monthly demand in the previous calendar year of less than 50 kilowatts or a new residential or commercial customer with an estimated average monthly demand of less than 50 kilowatts of a public utility that has restructured pursuant to Title 35, chapter 19, or this chapter.

(28) "Transition bondholder" means a holder of transition bonds, including trustees, collateral agents, and other entities acting for the benefit of that bondholder.

(29) "Transition bonds" means any bond, debenture, note, interim certificate, collateral, trust certificate, or other evidence of indebtedness or ownership issued by the board or other transition bonds issuer that is secured by or payable from fixed transition amounts or transition property. Proceeds from transition bonds must be used to recover, reimburse, finance, or refinance transition costs and to acquire transition property.

(30) "Transition charge" means a nonbypassable rate or charge to be imposed on a customer to pay the customer's share of transition costs.

(31) "Transition cost recovery period" means the period beginning on July 1, 1998, and ending when a utility customer does not have any liability for payment of transition costs.

(32) "Transition costs" means:

(a) a public utility's net verifiable generation-related and electricity supply costs, including costs of capital, that become unrecoverable as a result of the implementation of this chapter or of federal law requiring retail open access or customer choice;

(b) those costs that include but are not limited to:

(i) regulatory assets and deferred charges that exist because of current regulatory practices and can be accounted for up to the effective date of the commission's final order regarding a public utility's transition plan and conservation investments made prior to universal system benefits charge implementation;

(ii) nonutility and utility power purchase contracts executed before May 2, 1997, including qualifying facility contracts;

(iii) existing generation investments and supply commitments or other obligations incurred before May 2, 1997, and costs arising from these investments and commitments;

(iv) the costs associated with renegotiation or buyout of the existing nonutility and utility power purchase contracts, including qualifying facilities and all costs, expenses, and reasonable fees related to issuing transition bonds; and

(v) the costs of refinancing and retiring of debt or equity capital of the public utility and associated federal and state tax liabilities or other utility costs for which the use of transition bonds would benefit customers.

(33) "Transition period" means the period ending July 1, 2027.

(34) "Transition property" means the property right created by a financing order, including without limitation the right, title, and interest of a utility, assignee, or other issuer of transition bonds to all revenue, collections, claims, payments, money, or proceeds of or arising from or constituting fixed transition amounts that are the subject of a



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financing order, including those nonbypassable rates and other charges and fixed transition amounts that are authorized by the commission in the financing order to recover transition costs and the costs of recovering, reimbursing, financing, or refinancing the transition costs and acquiring transition property, including the costs of issuing, servicing, and retiring transition bonds. Any right that a utility has in the transition property before the utility's sale or transfer or any other right created under this section or created in the financing order and assignable under this chapter or assignable pursuant to a financing order is only a contract right.

(35) "Transmission facilities" means those facilities that are used to provide transmission services as determined by the federal energy regulatory commission and the commission.

(36) "Transmission services provider" means an entity controlling or operating transmission facilities.

(37) "Universal system benefits charge" means a nonbypassable rate or charge to be imposed on a customer to pay the customer's share of universal system benefits programs costs.

(38) "Universal system benefits programs" means public purpose programs for:

(a) cost-effective local energy conservation;

(b) low-income customer weatherization;

(c) renewable resource projects and applications, including those that capture unique social and energy system benefits or that provide transmission and distribution system benefits;

(d) research and development programs related to energy conservation and renewables;

(e) market transformation designed to encourage competitive markets for public purpose programs; and

(f) low-income energy assistance.

(39) "Utility" means any public utility or cooperative utility."

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**HJR 24**, be concurred in. Report adopted.

**HB 583**, be concurred in. Report adopted.

3/30/2007

**HB 24**, be amended as follows:

3/30/2007

1. Title, line 5 through line 6.

**Strike:** "REVISING" on line 5 through "PURPOSES;" on line 6

2. Title, line 7 through line 8.

**Strike:** "EXTENDING" on line 7 through "DIOXIDE; AND" on line 8

3. Title, line 9.

**Following:** "69-13-302,"

**Insert:** "AND"

4. Title, line 9 through line 10.

**Strike:** "70-30-102" on line 9 through "82-10-305," on line 10

**Following:** "MCA" on line 10

**Insert:** "; AND PROVIDING A CONTINGENT EFFECTIVE DATE"

5. Page 1, line 16.

**Strike:** "Each"

**Insert:** "Pursuant to subsection (3), each"

6. Page 2.

**Following:** line 13

**Insert:** "(3) To be defined as a common carrier of carbon dioxide under this section, the carbon dioxide may be

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transported only for the purpose of permanent sequestration in a geologic formation."

7. Page 5, line 15 through page 15, line 2.

**Strike:** section 7 through section 16 in their entirety

8. Page 15.

**Following:** line 2

**Insert:** "NEW SECTION. **Section 7. Contingent voidness.** If Senate Bill No. 218 is not passed and approved, [this act] is void."

**Insert:** "NEW SECTION. **Section 8. Contingent effective date.** [This act] is effective when the department of environmental quality certifies to the code commissioner that the board of environmental review has adopted the rules required by Senate Bill No. 218."

And, as amended, be concurred in. Report adopted.

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Cocchiarella, Chairman):

3/30/2007

**HB 99**, be concurred in. Report adopted.

**HB 348**, be concurred in. Report adopted.

**HB 390**, be concurred in. Report adopted.

**HB 537**, be amended as follows:

1. Page 2, line 23.

**Strike:** "\$60"

**Insert:** "\$50"

2. Page 2, line 24.

**Strike:** "\$84"

**Insert:** "\$76"

3. Page 3, line 28 through line 30.

**Strike:** "for the amount" on line 28 through the first "payment" on line 30

4. Page 4, line 11 through line 12.

**Following:** "collected" on line 11

**Strike:** "from" on line 11 through "state" on line 12

5. Page 4, line 13 through line 14.

**Strike:** "on the books" on line 13 through "treasurer" on line 14

And, as amended, be concurred in. Report adopted.

**HB 668**, be amended as follows:

1. Title, line 6.

**Strike:** "THAT"

**Insert:** "AUTHORIZED TO"

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2. Page 2.

**Following:** line 11

**Insert:** "(2) Each board is designated as a criminal justice agency within the meaning of 44-5-103 for the purpose of obtaining confidential criminal justice information regarding the board's licensees and license applicants and regarding possible unlicensed practice."

**Renumber:** subsequent subsections

3. Page 2, line 16.

**Strike:** "REQUIRES"

**Insert:** "is statutorily authorized to obtain"

And, as amended, be concurred in. Report adopted.

**HB 755**, be amended as follows:

1. Title, line 5.

**Following:** "TO"

**Insert:** "CERTAIN"

**Following:** "CERTIFICATES"

**Insert:** "; AMENDING SECTIONS 30-14-102, 70-9-802, AND 70-9-803, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE"

2. Page 1.

**Following:** line 8

**Insert:** "**Section 1.** Section 30-14-102, MCA, is amended to read:

**"30-14-102. Definitions.** As used in this part, the following definitions apply:

(1) "Consumer" means a person who purchases or leases goods, services, real property, or information primarily for personal, family, or household purposes.

(2) "Department" means the department of justice created in 2-15-2001.

(3) "Documentary material" means the original or a copy of any book, record, report, memorandum, paper, communication, tabulation, map, chart, photograph, mechanical transcription, or other tangible document or recording.

(4) "Examination" of documentary material includes the inspection, study, or copying of documentary material and the taking of testimony under oath or acknowledgment in respect to any documentary material or copy of documentary material.

(5) (a) "Gift certificate" means a record, including a gift card or stored value card, that is provided for paid consideration and that indicates a promise by the issuer or seller of the record that goods or services will be provided to the possessor of the record for the value that is shown on the record or contained within the record by means of a microprocessor chip, magnetic stripe, bar code, or other electronic information storage device. The consideration provided for the gift certificate must be made in advance. The value of the gift certificate is reduced by the amount spent with each use. A gift certificate is considered trust property of the possessor if the issuer or seller of the gift certificate declares bankruptcy after issuing or selling the gift certificate. The value represented by the gift certificate belongs to the possessor, to the extent provided by law, and not to the issuer or seller.

(b) The term does not ~~mean~~ include:

(i) prepaid telecommunications and technology cards, including but not limited to prepaid telephone calling cards, prepaid technical support cards, and prepaid internet disks that have been distributed to or purchased by a consumer;

(ii) a coupon provided to a consumer pursuant to any award, loyalty, or promotion program without any money or consideration being given in exchange for the card; or

(iii) a gift certificate usable with multiple sellers of goods or services.

(6) "Person" means natural persons, corporations, trusts, partnerships, incorporated or unincorporated

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associations, and any other legal entity.

(7) "Possessor" means a natural person who has physical control over a gift certificate.

(8) "Trade" and "commerce" mean the advertising, offering for sale, sale, or distribution of any services, any property, tangible or intangible, real, personal, or mixed, or any other article, commodity, or thing of value, wherever located, and includes any trade or commerce directly or indirectly affecting the people of this state."

**Insert: "Section 2.** Section 70-9-802, MCA, is amended to read:

**"70-9-802. Definitions.** In this part, unless the context requires otherwise, the following definitions apply:

(1) "Administrator" means the department of revenue provided for in 2-15-1301.

(2) "Apparent owner" means a person whose name appears on the records of a holder as the person entitled to property held, issued, or owing by the holder.

(3) "Business association" means a corporation, joint-stock company, investment company, partnership, unincorporated association, joint venture, limited liability company, business trust, trust company, land bank, safe deposit company, financial organization, insurance company, mutual fund, utility, or other business entity consisting of one or more persons, whether or not for profit.

(4) "Domicile" means the state of incorporation of a corporation and the state of the principal place of business of a holder other than a corporation.

(5) "Financial organization" means a savings and loan association, bank, banking organization, or credit union.

(6) "Gift certificate" has the meaning provided in 30-14-102.

~~(6)(7)~~ (7) "Holder" means a person obligated to hold for the account of, or deliver or pay to, the owner property that is subject to this part.

~~(7)(8)~~ (8) "Insurance company" means an association, corporation, or fraternal or mutual benefit organization, whether or not for profit, engaged in the business of providing life endowments, annuities, or insurance, including accident, burial, casualty, credit life, contract performance, dental, disability, fidelity, fire, health, hospitalization, illness, life, malpractice, marine, mortgage, surety, wage protection, and workers' compensation insurance.

~~(8)(9)~~ (9) "Mineral" means gas; oil; coal; other gaseous, liquid, and solid hydrocarbons; oil shale; cement material; sand and gravel; road material; building stone; chemical raw material; gemstone; fissionable and nonfissionable ores; colloidal and other clay; steam and other geothermal resource; or any other substance defined as a mineral by the law of this state.

~~(9)(10)~~ (10) "Mineral proceeds" means amounts payable for the extraction, production, or sale of minerals or, upon the abandonment of those payments, all payments that become payable after abandonment. The term includes amounts payable:

(a) for the acquisition and retention of a mineral lease, including bonuses, royalties, compensatory royalties, shut-in royalties, minimum royalties, and delay rentals;

(b) for the extraction, production, or sale of minerals, including net revenue interests, royalties, overriding royalties, extraction payments, and production payments; and

(c) under an agreement or option, including a joint operating agreement, unit agreement, pooling agreement, and farmout agreement.

~~(10)(11)~~ (11) (a) "Money order" includes an express money order and a personal money order, on which the remitter is the purchaser.

(b) The term does not include a bank money order or any other instrument sold by a financial organization if the seller has obtained the name and address of the payee.

~~(11)(12)~~ (12) "Owner" means a person who has a legal or equitable interest in property subject to this part or the person's legal representative. The term includes a depositor in the case of a deposit, a beneficiary in the case of a trust other than a deposit in trust, and a creditor, claimant, or payee in the case of other property.

~~(12)(13)~~ (13) "Person" means an individual, business association, financial organization, estate, trust, government, governmental subdivision, agency, or instrumentality or any other legal or commercial entity.

~~(13)(14)~~ (14) (a) "Property" means tangible property described in 70-9-804 or a fixed and certain interest in intangible property that is held, issued, or owed in the course of a holder's business or, except as provided in subsection ~~(13)(b)~~ (14)(b), by a government, governmental subdivision, agency, or instrumentality and all income or increments from the property. The term includes property that is referred to as or evidenced by:

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- (i) money, check, draft, deposit, interest, or dividend;
  - (ii) credit balance, customer's overpayment, gift certificate, security deposit, refund, credit memorandum, unpaid wage, unused ticket, mineral proceeds, or unidentified remittance;
  - (iii) stock or other evidence of ownership of an interest in a business association or financial organization;
  - (iv) bond, debenture, note, or other evidence of indebtedness;
  - (v) money deposited to redeem stocks, bonds, coupons, or other securities or to make distributions;
  - (vi) an amount due and payable under the terms of an annuity or insurance policy, including policies providing life insurance, property and casualty insurance, workers' compensation insurance, or health and disability insurance; and
  - (vii) an amount distributable from a trust or custodial fund that is established under a plan to provide health, welfare, pension, vacation, severance, retirement, death, stock purchase, profit sharing, employee savings, supplemental unemployment insurance, or similar benefits.
- (b) The term does not include property that is held, issued, or owed by a local government entity, as defined in 2-7-501.

~~(14)~~(15) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and that is retrievable in perceivable form.

~~(15)~~(16) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or insular possession that is subject to the jurisdiction of the United States.

~~(16)~~(17) "Utility" means a person who owns or operates for public use any plant, equipment, real property, franchise, or license for the transmission of communications or the production, storage, transmission, sale, delivery, or furnishing of electricity, water, steam, or gas.""

**Renumber:** subsequent sections

3. Page 2.

**Following:** line 3

**Insert:** "(g) gift certificate, 3 years after December 31 of the year in which the certificate was sold, but if redeemable in merchandise only, the amount abandoned is considered to be 60% of the certificate's face value. A gift certificate is not presumed abandoned if the gift certificate was sold by a person who in the past fiscal year sold no more than \$200,000 in gift certificates, which amount must be adjusted by November of each year by the inflation factor defined in 15-30-101. The amount considered abandoned for a person who sells more than the amount that triggers presumption of abandonment is the value of gift certificates greater than that trigger."

**Renumber:** subsequent subsections

4. Page 3.

**Following:** line 28

**Insert:** "NEW SECTION. Section 4. Effective date -- retroactive applicability. [This act] is effective on passage and approval and applies retroactively, within the meaning of 1-2-109, to gift certificates issued or sold after September 30, 2005."

And, as amended, be concurred in. Report adopted.

**FISH AND GAME** (Tropila, Chairman):

3/30/2007

**HB 389**, be concurred in. Report adopted.

**HJR 16**, be amended as follows:

1. Title, line 5.

**Strike:** "AND RECODIFICATION"

**Following:** "OF"

**Insert:** "THE CRIMINAL CODES WITHIN"

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2. Title, line 6.

**Strike:** "BY THE CODE COMMISSIONER"

3. Page 1, line 8 through line 9.

**Strike:** "WHEREAS" on line 8 through "and" on line 9

4. Page 1, line 16.

**Following:** "find"

**Insert:** "that the criminal codes intertwined within"

**Following:** "Annotated"

**Insert:** "are"

5. Page 1, line 17.

**Strike:** "use"

**Insert:** "read, understand, and prosecute"

6. Page 1, line 21.

**Strike:** line 21 in its entirety

**Insert:** "That priority be given to a revision of the criminal codes regarding fish, wildlife, and parks violations that are contained in Title 87 of the Montana Code Annotated and that the revision be proposed to the 2009 Legislature."

7. Page 1, line 22.

**Strike:** "assisting in the"

**Insert:** "a proposed"

**Strike:** "AND recodification"

**Following:** "of"

**Insert:** "the criminal codes in"

8. Page 1, line 23.

**Following:** "participate in the"

**Insert:** "proposed"

**Strike:** "AND recodification process"

9. Page 1, line 24.

**Insert:** "BE IT FURTHER RESOLVED, that revisions will not include policy changes to current laws and will adhere to the intent of the legislatures that crafted the laws.

BE IT FURTHER RESOLVED, that the Department of Fish, Wildlife, and Parks, the Attorney General, and the Montana Magistrates Association join in requesting the Montana Supreme Court to appoint a Fish, Wildlife, and Parks Criminal Code Revision Commission to oversee and direct a revision.

BE IT FURTHER RESOLVED, that the Attorney General's Office, the Legislative Services Division, the Department of Fish, Wildlife, and Parks, the Montana Magistrates Association, and the Montana County Attorneys Association assist and participate in the proposed revision.

BE IT FURTHER RESOLVED, that the Law School at the University of Montana-Missoula be requested to provide assistance and participate in the proposed revision.

BE IT FURTHER RESOLVED, that funding for the revision project and the Fish, Wildlife, and Parks Criminal Code Revision Commission will be absorbed by the department of fish, wildlife, and parks without additional funds."

And, as amended, be concurred in. Report adopted.

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**HJR 364**, be amended as follows:

1. Title, line 9 through line 11.

**Strike:** "TRANSFERRING" on line 11 through "FUND;" on line 11

2. Title, line 12.

**Strike:** "AN IMMEDIATE EFFECTIVE DATE"

**Insert:** "EFFECTIVE DATES"

3. Page 1, line 19 through line 21.

**Strike:** line 19 through line 21 in their entirety

4. Page 2, line 21 through line 22.

**Strike:** "However" on line 21 through "apply." on line 22

5. Page 2.

**Following:** line 22

**Insert:** "(6) The board shall adopt rules to implement the provisions of [sections 1 through 7]."

6. Page 2, line 24.

**Strike:** the first "loss" through "board --"

7. Page 2, line 25.

**Strike:** "adopt rules as necessary to"

8. Page 2, line 28 through line 29.

**Strike:** ", which must" on line 28 through "applies" on line 29

9. Page 3, line 6.

**Strike:** ", which" through "years,"

10. Page 3, line 7.

**Following:** "producer"

**Insert:** "and that provide for a term of up to 12 months subject to renewal based on availability of funds, satisfaction of program requirements, and prioritization of the project"

11. Page 3, line 19.

**Strike:** the first "loss" through "board --"

12. Page 3, line 20.

**Strike:** "adopt rules as necessary to"

13. Page 3, line 27.

**Following:** "reimbursed at"

**Insert:** "an amount not to exceed"

14. Page 4, line 6.

**Following:** "the board"

**Insert:** "or a producer"

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15. Page 4, line 10 through line 11.

**Strike:** "To allow" on line 10 through "appeal, a" on line 11

**Insert:** "A"

16. Page 5, line 16 through line 17.

**Strike:** "may employ or" on line 16 through "adjusters to" on line 17

**Insert:** "shall"

17. Page 5, line 20.

**Strike:** "immediate"

18. Page 6, line 7.

**Strike:** "review"

**Insert:** "reviews of program"

**Following:** "expenditures"

**Strike:** "of"

19. Page 6, line 8.

**Strike:** "program staff and of"

**Insert:** ", including payments to"

**Following:** "individuals"

**Insert:** ", incorporated entities, and producers"

**Strike:** "mitigation"

**Insert:** "loss reduction"

20. Page 6, line 11.

**Following:** "private wildlife"

**Insert:** "or livestock"

21. Page 6, line 17.

**Strike:** "~~Wolf~~" through "~~account~~"

**Insert:** "Livestock loss reduction and mitigation"

22. Page 6, line 18.

**Strike:** "wolf" through "reimbursement"

**Insert:** "livestock loss reduction and mitigation"

23. Page 6, line 23.

**Strike:** "6"

**Insert:** "7"

**Following:** ";

**Insert:** ", except those appropriated to the department of livestock,"

24. Page 6, line 24 through line 25.

**Strike:** "department" on line 24 through "[section 1]," on line 25

**Insert:** "state"

25. Page 6, line 28.

**Strike:** "DEPARTMENT OF FISH, WILDLIFE, AND PARKS"



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**Insert:** "state"

26. Page 7, line 4.

**Strike:** "WOLF" through "REIMBURSEMENT"

**Insert:** "Livestock loss reduction and mitigation"

27. Page 7, line 5.

**Strike:** "WOLF" through "REIMBURSEMENT"

**Insert:** "livestock loss reduction and mitigation"

28. Page 7, line 6.

**Strike:** "AS PROVIDED BY LAW"

**Insert:** "with gifts, grants, reimbursements, appropriations, or allocations from any source"

29. Page 7, line 7.

**Strike:** "WOLF" through "REIMBURSEMENT"

**Insert:** "livestock loss reduction and mitigation"

30. Page 7, line 10.

**Strike:** "WOLF" through "REIMBURSEMENT"

**Insert:** "livestock loss reduction and mitigation"

31. Page 7, line 11.

**Strike:** "WOLF" through "REIMBURSEMENT"

**Insert:** "livestock loss reduction and mitigation"

32. Page 7, line 13.

**Following:** "LEGISLATURE"

**Strike:** ". APPROPRIATIONS" through "INCOME"

**Insert:** "and"

33. Page 7, line 18.

**Following:** "MUST BE"

**Insert:** "used to reimburse the state general fund up to \$120,000. Any remaining interest and income must be"

34. Page 7, line 23 through line 29.

**Strike:** section 7 in its entirety

**"NEW SECTION. Section 7. Funding of programs -- contingency.** The awarding of grants and reimbursements and the performance of duties pursuant to [sections 2 through 4] are contingent upon the amount of money available in the accounts provided for in [sections 5 and 6].

35. Page 8, line 2.

**Strike:** "LIVESTOCK" through "[SECTION 1]"

**Insert:** "department of livestock"

36. Page 8, line 3.

**Following:** "ESTABLISH THE"

**Insert:** "livestock loss reduction and mitigation"

37. Page 8, line 11.

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**Following:** "through 4"  
**Insert:** "and 7"

38. Page 8, line 13.  
**Following:** "through 4"  
**Insert:** "and 7"

39. Page 8, line 17.  
**Strike:** section 11 in its entirety  
**Insert:** "NEW SECTION. **Section 11. Effective dates.** (1) Except as provided in subsection (2), [this act] is effective July 1, 2007.  
(2) [Sections 2 and 3] are effective October 1, 2007."

And, as amended, be concurred in. Report adopted.

**LOCAL GOVERNMENT** (Gillan, Chairman):  
**HB 415**, be amended as follows:

3/30/2007

1. Title, page 1, line 6.  
**Following:** ";"  
**Insert:** "MAKING PARK DEDICATION FOR A MINOR SUBDIVISION DISCRETIONARY;"

2. Page 1, line 12.  
**Strike:** "(8)"  
**Insert:** "(9)"

3. Page 1, line 26.  
**Strike:** "A PARK" through "SUBDIVISION."

4. Page 3.  
**Following:** line 12  
**Insert:** "(8) A local governing body may, at its discretion, require a park dedication for a minor subdivision. A local governing body that chooses to require a park dedication shall specify in regulations the circumstances under which a park dedication will be required."  
**Renumber:** subsequent subsections

And, as amended, be concurred in. Report adopted.

**MESSAGES FROM THE GOVERNOR**

March 29, 2007

The Honorable Scott Sales  
Speaker of the House  
State Capitol  
Helena, MT 59620

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The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, MT 59620

Dear Speaker Sales and President Cooney:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments House Bill 357, "AN ACT REVISING LAWS PERTAINING TO BLIND VENDORS; PROVIDING FOR THE PLACEMENT OF VENDING MACHINES ON STATE HIGHWAYS BY BLIND VENDORS; AND AMENDING SECTION 60-5-110, MCA." My proposed amendment adds an immediate effective date to the bill, and is attached to this letter.

House Bill 357 authorizes the Montana Department of Transportation to contract with blind vendors, under the state's certification program, to install vending machines on highway right-of-ways. My proposed amendment would make this law effective on passage and approval so that the Department of Transportation can begin immediate contract negotiations with the blind vendors. With this amendment, the blind vendors will be able to reap the benefit of this law this coming summer, when the volume of traffic on our state highways will be at its usual high levels.

I have discussed my proposed amendment with the sponsor of the bill, Representative Cohenour, who has expressed her support.

Sincerely,

BRIAN SCHWEITZER  
GOVERNOR

cc: Legislative Services Division

GOVERNOR'S AMENDMENTS  
TO SENATE BILL 357

1. Page 3  
Following: line 10  
Insert: "Section 2. Effective date. [This act] is effective on passage and approval."

**MESSAGES FROM THE OTHER HOUSE**

**House bill** passed and transmitted to the Senate for concurrence: 3/29/2007

**HB 3**, introduced by Franklin

**House bill** passed and transmitted to the Senate for concurrence: 3/29/2007

**HB 63**, introduced by Musgrove

**House bill** passed and transmitted to the Senate for concurrence: 3/29/2007

**HB 49**, introduced by Hamilton

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<b>House bill</b> passed and transmitted to the Senate for concurrence:	3/29/2007
<b>HB 155</b> , introduced by Noonan	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	3/29/2007
<b>HB 304</b> , introduced by Furey	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	3/29/2007
<b>HB 343</b> , introduced by Rice	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	3/29/2007
<b>HB 406</b> , introduced by Clark	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	3/29/2007
<b>HB 418</b> , introduced by Koopman	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	3/29/2007
<b>HB 488</b> , introduced by Jopek	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	3/29/2007
<b>HB 512</b> , introduced by L. Jones	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	3/29/2007
<b>HB 519</b> , introduced by Kasten	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	3/29/2007
<b>HB 539</b> , introduced by Groesbeck	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	3/29/2007
<b>HB 574</b> , introduced by Hiner	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	3/29/2007
<b>HB 680</b> , introduced by Cohenour	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	3/29/2007
<b>HB 732</b> , introduced by Small-Eastman	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	3/29/2007

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**HB 797**, introduced by Ankney

**House bill** passed and transmitted to the Senate for concurrence: 3/29/2007

**HB 823**, introduced by Small-Eastman

**House bill** passed and transmitted to the Senate for concurrence: 3/29/2007

**HB 826**, introduced by McChesney

**House bill** passed and transmitted to the Senate for concurrence: 3/29/2007

**HB 830**, introduced by Kasten

**House bill** passed and transmitted to the Senate for concurrence: 3/29/2007

**HB 831**, introduced by McNutt

**House bill** passed and transmitted to the Senate for concurrence: 3/29/2007

**HB 835**, introduced by Stahl

**House bill** passed and transmitted to the Senate for concurrence: 3/29/2007

**HB 841**, introduced by Ankney

**MOTIONS**

**SEN. KELLY GEBHARDT, SD 23, ROUNDUP** moved to take **SB 375** from Finance and Claims Committee and placed on third reading the 69th Legislative day. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Jackson, Jent, Kitzenberg, Laible, Laslovich, Lewis, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, Tropila, J.,  
Total 35

Nays: Hansen, Harrington, Hawks, Juneau, Kaufmann, Larson, Lind, Moss, Schmidt, Squires, Tropila, M.,  
Wanzenried, Weinberg, Williams, Mr. President  
Total 15

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**MOTIONS**

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**SEN. COREY STAPLETON, SD 27, BILLINGS** moved to take **HB 281** out of Judiciary Committee and refer to State Administration Committee. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash  
Total 24

Nays: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, Tropila, J., Tropila, M., Wanzenried, Weinberg, Williams, Cooney  
Total 26

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SEN. JESSE LASLOVICH, SD 43, ANACONDA** moved to add the following sponsors names to **SB 562**: Black, Gallus, Gillan, Kitzenberg, Larson, Lind, Moss, Smith, Squires. Motion carried.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Brueggeman in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 426** - Senator Hawks moved **HB 426** be concurred in. Motion carried unanimously.

**SB 138** - Senator Wanzenried moved **SB 138** do pass. Motion carried as follows:

Yeas: Brown, Cobb, Cocchiarella, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 29

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Curtiss, Esp, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 21

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 345** - Senator Hawks moved **SB 345** do pass. Motion failed as follows:

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Yeas: Elliott, Gallus, Gillan, Harrington, Hawks, Jent, Juneau, Kaufmann, Laible, Larson, Laslovich, Lind, Moss, Schmidt, Shockley, Squires, Wanzenried, Weinberg, Williams, Mr. President.  
Total 20

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Hansen, Jackson, Kitzenberg, Lewis, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Smith, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila.  
Total 30

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 345** - Senator Esp moved **SB 345** be **indefinitely postponed**. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Hansen, Jackson, Kitzenberg, Laslovich, Lewis, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila.  
Total 32

Nays: Elliott, Gallus, Gillan, Harrington, Hawks, Jent, Juneau, Kaufmann, Laible, Larson, Lind, Moss, Schmidt, Squires, Wanzenried, Weinberg, Williams, Mr. President.  
Total 18

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 769** - Senator Elliott moved **HB 769** be concurred in. Motion carried as follows:

Yeas: Bales, Barkus, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 44

Nays: Balyeat, McGee, O'Neil, Peterson, Shockley.  
Total 5

Absent or not voting: None.  
Total 0

Excused: Black.  
Total 1

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed.

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President Cooney in the chair. Chairman Brueggeman moved the Committee of the Whole report be adopted. Report adopted unanimously.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 450** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 48

Nays: McGee.

Total 1

Absent or not voting: None.

Total 0

Excused: Cobb.

Total 1

**SB 550** passed as follows:

Yeas: Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Weinberg, Williams, Mr. President.

Total 43

Nays: Bales, Curtiss, Esp, Ryan, Story, Wanzenried.

Total 6

Absent or not voting: None.

Total 0

Excused: Cobb.

Total 1

**SB 436** passed as follows:

Yeas: Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 44



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Nays: Bales, Esp, McGee, Peterson, Story.  
Total 5

Absent or not voting: None.  
Total 0

Excused: Cobb.  
Total 1

**HB 112** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 265** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: Jackson.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 220** passed as follows:

Yeas: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 27

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Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 8:00 a.m., Saturday, March 31, 2007. Motion carried.

Senate adjourned at 3:09 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

**SENATE JOURNAL  
60TH LEGISLATURE  
SIXTY-NINTH LEGISLATIVE DAY**

Helena, Montana  
March 31, 2007

Senate Chambers  
State Capitol

Senate convened at 8:00 a.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. Senator Stapleton excused. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 42

Nays: Balyeat, Gebhardt, Jackson, Lind, McGee, O'Neil, Shockley.  
Total 7

Absent or not voting: None.  
Total 0

Excused: Stapleton.  
Total 1

**REPORTS OF STANDING COMMITTEES**

**NATURAL RESOURCES AND ENERGY** (Lind, Chairman): 3/31/2007  
**HB 291**, be concurred in. Report adopted.  
**HJR 14**, be concurred in. Report adopted.

**STATE ADMINISTRATION** (Squires, Chairman): 3/31/2007  
**SR 9**, be adopted. Report adopted.  
**HB 225**, be concurred in. Report adopted.  
**HB 433**, be amended as follows:

1. Title, line 6.

**Following:** "ELECTED"

**Insert:** "OR APPOINTED"

**Following:** "OFFICIAL"

**Insert:** "; REQUIRING STATE AGENCIES AND LOCAL GOVERNMENTS TO DESIGNATE AN OFFICE FROM WHICH THE SUMMARY REPORT MAY BE OBTAINED; AND REQUIRING STATE AGENCIES AND LOCAL GOVERNMENTS TO POST THE SUMMARY REPORT TO THE INTERNET"

2. Page 1.

**Following:** line 14

**Insert:** "(2) Each state agency and local government subject to subsection (1) shall:

(a) designate an office from which a copy of the report may be obtained; and

(b) post a copy of the report to the agency's or local government's website on the internet, if the agency or local government has a website."

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**Renumber:** subsequent subsection

And, as amended, be concurred in. Report adopted.

**HB 487**, be amended as follows:

1. Title, line 6.

**Strike:** "AMENDING RELATED FEES;"

**Strike:** "SECTIONS"

**Insert:** "SECTION"

**Following:** "2-7-503"

**Insert:** ", "

**Strike:** "AND"

2. Title, line 7.

**Strike:** "2-7-514,"

3. Page 1, line 22.

**Strike:** "\$400,000"

**Insert:** "the threshold dollar amount established by the director of the office of management and budget pursuant to 31 U.S.C. 7502(a)(3), but regardless of the source of revenue or financial assistance,"

4. Page 2, line 15 through page 3, line 1.

**Strike:** section 2 through section 3 in their entirety

And, as amended, be concurred in. Report adopted.

**HB 650**, be concurred in. Report adopted.

**HB 690**, be concurred in. Report adopted.

**HB 706**, be amended as follows:

1. Page 2, line 10.

**Strike:** "June"

**Insert:** "January"

**Strike:** "prior to the"

2. Page 2, line 11.

**Strike:** "year"

**Strike:** "June 2007"

**Insert:** "January 2003"

And, as amended, be concurred in. Report adopted.

**HB 729**, be concurred in. Report adopted.

**HB 765**, be amended as follows:

1. Title, line 4 through line 5.

**Strike:** "PROVIDING" on line 4 through "PARTICIPATION" on line 5

**Insert:** "ALLOWING A LEGISLATOR TO CONTINUE ACTIVE MEMBERSHIP"

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2. Title, line 5.

**Following:** "IN"

**Strike:** "A"

**Insert:** "THE"

**Following:** "SYSTEM"

**Insert:** "OF WHICH THE LEGISLATOR IS A MEMBER"

**Strike:** "SECTION"

**Insert:** "SECTIONS"

3. Title, line 6.

**Following:** "5-2-304"

**Insert:** "AND 19-3-412"

**Following:** "DATE"

**Insert:** "AND A RETROACTIVE APPLICABILITY DATE"

4. Page 1, line 10 through page 2, line 26.

**Strike:** sections 1 through section 3 in their entirety

5. Page 2.

**Following:** line 26

**Insert:** "Section 1. Section 5-2-304, MCA, is amended to read:

**"5-2-304. ~~Continued participation~~ Participation in public retirement systems.** (1) The purpose of this section is to ~~provide a means whereby persons serving in~~ allow a person who is elected or appointed to the Montana legislature ~~may~~ and who is also a member of a retirement system provided for in Title 19, chapter 3, 5, 6, 7, 8, 9, 13, 20, or 21, by virtue of the person's nonlegislative employment, to continue ~~their the person's~~ participation in the public retirement ~~systems governed by state law~~ system of which the person is a member.

(2) This section is not intended to provide duplicate credit for the same service in two retirement systems supported wholly or in part by public funds. This section does not affect contribution rates or benefit payments specifically provided for in the laws governing the operation of individual retirement systems.

(3) (a) A person who is an inactive or retired member of a retirement system provided for in Title 19, chapter 5, 6, 7, 8, 9, 13, 20, or 21, and who is elected or appointed to be a legislator may:

(i) return to active membership in the system of which the person is an inactive or retired member under the requirements of that system; or

(ii) remain an inactive or retired member of the retirement system and become an active member of the public employees' retirement system pursuant to 19-3-412.

(b) A person who is an inactive or retired member of the public employees' retirement system provided for in Title 19, chapter 3, and who is elected or appointed to the legislature may return to active membership in the public employees' retirement system but cannot simultaneously be an inactive or retired member of the system as a result of prior covered terminated employment and an active member of the retirement system under 19-3-412 or this section.

~~(2)(4)(a)~~ (a) A person who is ~~engaged in official duties as a member of the Montana legislature and who is a~~ an active member of a public retirement system governed by state law ~~and who is elected or appointed to be a legislator~~ may, but is not required to, continue the person's participation in that public retirement system while engaged in official duties as a legislator.

(b) To continue participation as an active member in the public retirement system, a legislator shall, within 180 days of taking office and in a manner prescribed by the appropriate board, file an irrevocable written election with the teachers' retirement board or the public employees' retirement board.

~~(3)(5)~~ (5) A legislator who elects to continue participation as an active member as provided in subsection ~~(2)~~ (4) shall continue the payments into the fund of the retirement system at the rate currently in effect in the system based on the legislator's monthly salary as a member of that system.

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~~(4)~~(6) The state contribution must be made by legislative appropriation. It must equal the appropriate employer contribution at the rate currently in effect in the system."

**Insert: "Section 2.** Section 19-3-412, MCA, is amended to read:

**"19-3-412. Optional membership.** (1) Except as provided in 5-2-304 and subsection (2) of this section, the following employees and elected officials in covered positions shall elect either to become active members of the retirement system or to decline this optional membership by filing an irrevocable, written application with the board in the manner prescribed in subsection (3):

- (a) elected officials of the state or local governments who:
  - (i) are paid on a salary or wage basis rather than on a per diem or other reimbursement basis; or
  - (ii) were members receiving retirement benefits under the defined benefit plan or a distribution under the defined contribution plan at the time of their election;
- (b) employees serving in employment that does not cumulatively exceed a total of 960 hours of covered employment with all employers under this chapter in any fiscal year;
- (c) employees directly appointed by the governor;
- (d) employees working 6 months or less for the legislative branch to perform work related to the legislative session;
- (e) the chief administrative officer of any city or county;
- (f) employees of county hospitals or rest homes.

(2) (a) Except as provided in subsection (2)(b), employees and officials described in subsections (1)(a) through (1)(f) who are employees or officials but not members on July 1, 1999, have until December 1, 1999, to file an irrevocable, written application with the board.

(b) A legislator may also become a member as of the date prior to December 30, 2000, that the legislator filed an irrevocable written application with the board to become a member and paid the employee share of contributions determined by the board to be required to purchase the legislator's prior service credit. However, the legislator shall purchase at least 5 years of service credit or, if the legislator has less than 5 years of membership service, service credit equal to all of the legislator's membership service. The legislative branch is responsible for paying the amount determined by the board to be the employer's share of contributions required to purchase a legislator's service credit under this subsection (2)(b).

(c) A member who after April 17, 2003, is elected to a local government position in which the member works less than 960 hours in a calendar year may, within 180 days of being elected, decline optional membership with respect to the member's elected position.

(3) (a) The board shall prescribe the form of the written application required pursuant to subsection (1) and provide written application forms to each employer.

(b) Each employee or elected official in a position covered under subsection (1) shall obtain the written application form from the employer and complete and return it to the board.

(c) The written application must be filed with the board within 180 days of the commencement of the employee's or elected official's employment.

(d) The employer shall retain a copy of the employee's or elected official's written application.

(4) If the employee or elected official fails to file the written application required under subsection (1) with the board within the time allowed in subsection (3), the employee or elected official waives membership.

(5) An employee or elected official who declines optional membership may not receive membership service or service credit for the employment for which membership was declined.

(6) An employee or elected official who declined optional membership but later becomes a member may purchase service credit for the period of time beginning with the date of employment in which membership was declined to the commencement of membership. Purchase of service credit pursuant to this subsection must comply with 19-3-505.

(7) Except as provided in subsection (2)(c), membership in the retirement system is not optional for an employee or elected official who is already a member. Upon employment in a position for which membership is optional:

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- (a) a member who was an active member before the employment remains an active member;
  - (b) a member who was an inactive member before the employment becomes an active member; and
  - (c) a member who was a retired member before the employment is subject to part 11 of this chapter.
- (8) (a) An employee or elected official who declines membership for a position for which membership is optional may not later become a member while still employed in that position.
- (b) If, after a break in service of 30 days or more, an employee who was employed in an optional membership position is reemployed in the same position or is employed in a different position for which membership is optional, the employee shall again choose or decline membership.
- (c) If the break in service is less than 30 days, an employee who declined membership is bound by the employee's original decision to decline membership.
- (9) An employee accepting a position that requires membership shall become a member even if the employee previously declined membership and did not have a 30-day break in service."

**Insert:** "NEW SECTION. Section 3. Transition. (1) A person who is subject to the provisions of 5-2-304 who made an irrevocable election under 5-2-304 after January 1, 2003, and before [the effective date of this act] may rescind the election.

(2) A person who is eligible under subsection (1) to rescind an election previously made by the person pursuant to 5-2-304 shall notify the public employees' retirement board in writing prior to July 1, 2007, that the person has rescinded the person's prior election.

(3) A person who rescinds, under subsection (2), the person's previous election is:

- (a) subject to the applicable options available under 5-2-304 and 19-3-412 as provided for in [this act]; and
- (b) is eligible to receive retroactively to January 1, 2007, the retirement benefits for which the person would have been eligible absent the original election."

**Renumber:** subsequent section

6. Page 2.

**Following:** line 28

**Insert:** "NEW SECTION. Section 5. Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to January 1, 2003."

And, as amended, be concurred in. Report adopted.

**HB 771**, be concurred in. Report adopted.

**HJR 41**, be amended as follows:

1. Page 1, line 21.

**Strike:** "18"

**Insert:** "a number of"

2. Page 1, line 22.

**Strike:** "."

**Insert:** "; and"

3. Page 1.

**Following:** line 22

**Insert:** "WHEREAS, we as Montanans will continue to support these heroes as they return home to face the challenge of rejoining family, friends, and community."

And, as amended, be concurred in. Report adopted.

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**HJR 45**, be concurred in. Report adopted.

**TAXATION** (Elliott, Chairman):

3/30/2007

**SB 567**, introduced bill, be amended as follows:

1. Title, line 4 through line 13.

**Strike:** "CREATING" on line 4 through "PURPOSES;" on line 13

2. Title, line 14 through line 16.

**Strike:** "ENERGY" on line 14 through "GOVERNMENTS" on line 15

**Insert:** "OIL, GAS, AND COAL NATURAL RESOURCE ACCOUNT"

**Strike:** "SECTIONS" on line 15 through the first "AND" on line 16

**Insert:** "SECTION"

**Following:** "MCA;" on line 16

**Insert:** "PROVIDING A CONTINGENT VOIDNESS PROVISION;"

3. Page 1, line 20 through page 16, line 4.

**Strike:** everything after the enacting clause

**Insert:** "Section 1. Section 15-36-331, MCA, is amended to read:

**"15-36-331. Distribution of taxes.** (1) (a) For each calendar quarter, the department shall determine the amount of tax, late payment interest, and penalties collected under this part.

(b) For the purposes of distribution of oil and natural gas production taxes to county and school district taxing units under 15-36-332 and to the state, the department shall determine the amount of oil and natural gas production taxes paid on production in the taxing unit.

(2) (a) The amount of oil and natural gas production taxes collected for the privilege and license tax pursuant to 82-11-131 must be deposited, in accordance with the provisions of 15-1-501, in the state special revenue fund for the purpose of paying expenses of the board, as provided in 82-11-135.

(b) The amount of the tax for the oil, gas, and coal natural resource account established in 90-6-1001 must be deposited in the account.

(3) (a) ~~For~~ Subject to subsection (3)(b), for each tax year, the amount of oil and natural gas production taxes determined under subsection (1)(b) is allocated to each county according to the following schedule:

	<del>2005</del>	<del>2006 and</del> succeeding tax years
Big Horn	<del>45.04%</del>	45.05%
Blaine	<del>58.11%</del>	58.39%
Carbon	<del>48.93%</del>	48.27%
Chouteau	<del>57.65%</del>	58.14%
Custer	<del>80.9%</del>	69.53%
Daniels	<del>49.98%</del>	50.81%
Dawson	<del>50.64%</del>	47.79%
Fallon	<del>41.15%</del>	41.78%
Fergus	<del>83.52%</del>	69.18%
Garfield	<del>48.81%</del>	45.96%
Glacier	<del>64.74%</del>	58.83%
Golden Valley	<del>57.41%</del>	58.37%
Hill	<del>65.33%</del>	64.51%
Liberty	<del>59.73%</del>	57.94%
McCone	<del>52.86%</del>	49.92%
Musselshell	<del>51.44%</del>	48.64%
Petroleum	<del>54.62%</del>	48.04%



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Phillips	<del>53.78%</del>	54.02%
Pondera	<del>70.89%</del>	54.26%
Powder River	<del>62.17%</del>	60.9%
Prairie	<del>39.73%</del>	40.38%
Richland	<del>46.72%</del>	47.47%
Roosevelt	<del>46.06%</del>	45.71%
Rosebud	<del>38.69%</del>	39.33%
Sheridan	<del>47.54%</del>	47.99%
Stillwater	<del>54.35%</del>	53.51%
Sweet Grass	<del>60.24%</del>	61.24%
Teton	<del>48.4%</del>	46.1%
Toole	<del>57.14%</del>	57.61%
Valley	<del>54.22%</del>	51.43%
Wibaux	<del>48.68%</del>	49.16%
Yellowstone	<del>48.06%</del>	46.74%
All other counties	<del>50.15%</del>	50.15%

(b) (i) From each county's allocation under subsection (3)(a), 1.25% must be deposited in the oil, gas, and coal natural resource account established in 90-6-1001 to be used for impact grants awarded pursuant to 90-6-206 and [section 14 of House Bill No. 798].

(ii) If the amount estimated for deposit in the oil, gas, and coal natural resource account under subsection (3)(b)(i) is less than \$1 million, the coal, oil, gas, and energy development impact board established in 2-15-1821 shall determine a percentage that when applied to all county's allocations, will result in a deposit of \$1 million to the account.

~~(b)(c)~~ The oil and natural gas production taxes allocated to each county must be deposited in the state special revenue fund and transferred to each county for distribution, as provided in 15-36-332.

(4) The department shall, in accordance with the provisions of 15-1-501, distribute the state portion of oil and natural gas production taxes remaining after the distributions pursuant to subsections (2) and (3) as follows:

(a) for each fiscal year through the fiscal year ending June 30, 2011, to be distributed as follows:

(i) 1.23% to the coal bed methane protection account established in 76-15-904;

(ii) 2.95% to the reclamation and development grants special revenue account established in 90-2-1104;

(iii) 2.95% to the orphan share account established in 75-10-743;

(iv) 2.65% to the state special revenue fund to be appropriated to the Montana university system for the purposes of the state tax levy as provided in 20-25-423; and

(v) all remaining proceeds to the state general fund;

(b) for fiscal years beginning after June 30, 2011, to be distributed as follows:

(i) 4.18% to the reclamation and development grants special revenue account established in 90-2-1104;

(ii) 2.95% to the orphan share account established in 75-10-743;

(iii) 2.65% to the state special revenue fund to be appropriated to the Montana university system for the purposes of the state tax levy as provided in 20-25-423; and

(iv) all remaining proceeds to the state general fund.""

**Insert:** "NEW SECTION. Section 2. Contingent voidness. If House Bill No. 798 is not passed and approved, then [this act] is void."

**Insert:** "NEW SECTION. Section 3. Effective date. [This act] is effective July 1, 2007."

And, as amended, do pass. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

**HB 8**, introduced by Kasten, requiring adoption by an affirmative roll call vote of two-thirds of all the members of

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the Legislature, passed the House and was transmitted to the Senate with the following vote:

Yeas - 96

3/30/2007

Nays - 03

**HB 463**, introduced by Villa, transmitted to the Senate for concurrence.

3/30/2007

**HB 529**, introduced by Lake, transmitted to the Senate for concurrence.

3/30/2007

**HB 822**, introduced by Reinhart, transmitted to the Senate for concurrence.

3/30/2007

**SB 386**, introduced by Shockley, concurred in as amended, returned to the Senate for concurrence in House amendments.

3/30/2007

**SB 448**, introduced by Wanzenried, concurred in as amended, returned to the Senate for concurrence in House amendments.

3/30/2007

**SB 540**, introduced by Jackson, concurred in as amended, returned to the Senate for concurrence in House amendments.

3/30/2007

**MOTIONS**

**SEN. TRUDI SCHMIDT, SD 11, GREAT FALLS** moved **HB 577** to Finance and Claims Committee. Motion carried.

**SEN. TRUDI SCHMIDT, SD 11, GREAT FALLS** moved **HB 616** to Finance and Claims Committee. Motion carried.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Lind in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 782** - Senator O'Neil moved **HB 782** be concurred in. Motion carried unanimously.

**HB 577** - Senator Cobb moved **HB 577** be concurred in. Motion carried as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 33

Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Esp, Essmann, Gebhardt, Jackson, Murphy, O'Neil, Shockley, Steinbeisser.

Total 14

Absent or not voting: McGee.

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Total 1

Excused: Jent, Stapleton.

Total 2

**HJR 22** - Senator Williams moved **HJR 22** be concurred in. Motion carried with Senator McGee, O'Neil, Balyeat voting nay.

**HJR 26** - Senator Schmidt moved **HJR 26** be concurred in. Motion carried with Senator Jackson, O'Neil, Esp voting nay.

**HJR 33** - Senator Cobb moved **HJR 33** be concurred in. Motion carried as follows:

Yeas: Bales, Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 34

Nays: Balyeat, Barkus, Black, Brown, Curtiss, Esp, Essmann, Gebhardt, Jackson, Jent, McGee, O'Neil, Perry, Shockley, Story.

Total 15

Absent or not voting: None.

Total 0

Excused: Stapleton.

Total 1

**HB 452** - Senator Juneau moved **HB 452** be concurred in. Motion carried with Senator Lind, Weinberg voting nay.

**HB 467** - Senator Wanzenried moved **HB 467** be concurred in. Motion carried with Senator Kaufmann, Juneau voting nay.

**HB 514** - Senator Moss moved **HB 514** be concurred in. Motion carried unanimously.

**HB 616** - Senator Gillan moved **HB 616** be concurred in. Motion carried as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Cocchiarella, Curtiss, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Juneau, Kitzenberg, Laible, Larson, Laslovich, Lewis, Murphy, O'Neil, Pease, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, J.Tropila, M.Tropila, Williams, Mr. President.

Total 33

Nays: Balyeat, Brown, Esp, Essmann, Jackson, Jent, Kaufmann, Lind, McGee, Perry, Story, Tash, Wanzenried, Weinberg.

Total 14

Absent or not voting: Moss.

Total 1

Excused: Cobb, Stapleton.

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Total 2

**HB 629** - Senator O'Neil moved **HB 629** be concurred in. Motion carried unanimously.

**HB 617** - Senator Jent moved **HB 617** be concurred in. Motion carried unanimously.

**HB 657** - Senator Perry moved **HB 657** be concurred in. Motion carried unanimously.

**HB 35** - Senator Jent moved **HB 35** be concurred in. Motion carried unanimously.

**HB 300** - Senator O'Neil moved **HB 300** be concurred in. Motion carried unanimously.

**HB 310** - Senator Shockley moved **HB 310** be concurred in. Motion carried unanimously.

**SB 551** - Senator Bales moved consideration of **SB 551** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**HB 587** - Senator Pease moved **HB 587** be concurred in. Motion carried unanimously.

**HB 113** - Senator Cocchiarella moved consideration of **HB 113** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**HB 99** - Senator Ryan moved **HB 99** be concurred in. Motion carried with Senator Balyeat, M. Tropila, McGee, Black, Curtiss voting nay.

**HB 348** - Senator Esp moved **HB 348** be concurred in. Motion carried with Senator Barkus, Bales, Story, Curtiss, McGee voting nay.

**HB 113** - Senator Brown moved **HB 113**, second reading copy, be amended as follows:

1. Page 6.

**Following:** line 27

**Insert:** "COORDINATION SECTION. Section 2. Coordination instruction. If House Bill No. 633 and [this act] both are passed and approved and if House Bill No. 633 includes a section that amends 23-5-119, then the section amending 23-5-119 in House Bill No. 633 is void and 23-5-119 must be amended as follows:

**"23-5-119. Appropriate alcoholic beverage license for certain gambling activities.** (1) Except as provided in subsection (3), to be eligible to offer gambling under Title 23, chapter 5, part 3, 5, or 6, an applicant must be a resident of this state and shall own in the applicant's name:

(a) a retail all-beverages license issued under 16-4-201, but the owner of a license transferred after July 1, 2007, to a quota area pursuant to a department-conducted lottery under 16-4-204(1)(a) is not eligible to offer gambling;

(b) except as provided in subsection (1)(c), a license issued prior to October 1, 1997, under 16-4-105, authorizing the sale of beer and wine for consumption on the licensed premises;

(c) a beer and wine license issued in an area outside of an incorporated city or town as provided in 16-4-105(1)(e). The owner of the license whose premises are situated outside of an incorporated city or town may offer gambling, regardless of when the license was issued, if the owner and premises qualify under Title 23, chapter 5, part 3, 5, or 6;

(d) a retail beer and wine license issued under 16-4-109;

(e) a retail all-beverages license issued under 16-4-202; or

(f) a retail all-beverages license issued under 16-4-208.

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(2) For purposes of subsection (1)(b), a license issued under 16-4-105 prior to October 1, 1997, may be transferred to a new owner or to a new location or transferred to a new owner and location by the department of revenue pursuant to the applicable provisions of Title 16. The owner of the license that has been transferred may offer gambling if the owner and the premises qualify under Title 23, chapter 5, part 3, 5, or 6.

(3) Lessees of retail all-beverages licenses issued under 16-4-208 or beer and wine licenses issued under 16-4-109 who have applied for and been granted a gambling operator's license under 23-5-177 are eligible to offer and may be granted permits for gambling authorized under Title 23, chapter 5, part 3, 5, or 6.

(4) A license transferee or a qualified purchaser operating pending final approval under 16-4-404(6) who has been granted a gambling operator's license under 23-5-177 may be granted permits for gambling under Title 23, chapter 5, part 3, 5, or 6."

Amendment adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gallus, Hansen, Jackson, Kaufmann, Lind, McGee, Murphy, Perry, Peterson, Shockley, Steinbeisser, Story, Tash, J.Tropila, M.Tropila.

Total 25

Nays: Cocchiarella, Elliott, Gebhardt, Gillan, Harrington, Hawks, Jent, Juneau, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, O'Neil, Pease, Ryan, Schmidt, Smith, Squires, Wanzenried, Weinberg, Williams, Mr. President.

Total 24

Absent or not voting: None.

Total 0

Excused: Stapleton.

Total 1

**HB 113** - Senator Cocchiarella moved consideration of **HB 113** be passed for the day. Motion carried as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, O'Neil, Pease, Ryan, Schmidt, Smith, Squires, Story, Wanzenried, Weinberg, Williams, Mr. President.

Total 30

Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Esp, Essmann, Jackson, Laible, McGee, Murphy, Perry, Peterson, Shockley, Steinbeisser, Tash, J.Tropila, M.Tropila.

Total 19

Absent or not voting: None.

Total 0

Excused: Stapleton.

Total 1

**SB 551** - Senator Lind moved **SB 551**, second reading copy, be amended as follows:

1. Title, line 11.

**Following:** "PROVIDING"

**Insert:** "A CONTINGENT VOIDNESS PROVISION AND"

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2. Page 2.

**Following:** line 29

**Insert:** "NEW SECTION. **Section 2. Contingent voidness.** If Senate Bill No. 218 is not passed and approved, [this act] is void."

**Renumber:** subsequent section

Amendment adopted as follows:

Yeas: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Larson, Laslovich, Lind, Moss, Pease, Schmidt, Shockley, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 26

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Kitzenberg, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Ryan, Steinbeisser, Story, Tash.

Total 23

Absent or not voting: None.

Total 0

Excused: Stapleton.

Total 1

**SB 551** - Senator Bales moved **SB 551**, as amended, do pass. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Gillan, Jackson, Kitzenberg, Laible, Lewis, Lind, McGee, Murphy, O'Neil, Perry, Peterson, Steinbeisser, Story, Tash.

Total 25

Nays: Cocchiarella, Elliott, Gallus, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Larson, Laslovich, Moss, Pease, Ryan, Schmidt, Shockley, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 24

Absent or not voting: None.

Total 0

Excused: Stapleton.

Total 1

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Lind moved the Committee of the Whole report be adopted. Report adopted with Senators Wanzenried, Squires, Larson, Juneau voting against the report.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 138** passed as follows:

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Yeas: Brown, Cobb, Cocchiarella, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, McGee, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 30

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Curtiss, Esp, Gebhardt, Jackson, Laible, Lewis, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 20

Paired: Laslovich, Aye; Stapleton, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 426** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 48

Nays: Curtiss.

Total 1

Absent or not voting: None.

Total 0

Excused: Stapleton.

Total 1

**HB 769** concurred in as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 44

Nays: Balyeat, Essmann, McGee, O'Neil, Shockley.

Total 5

Absent or not voting: None.

Total 0

Excused: Stapleton.

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Total 1

**SB 375** passed as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Jackson, Jent, Kitzenberg, Laible, Laslovich, Lewis, Lind, McGee, Murphy, Pease, Perry, Peterson, Ryan, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Williams.

Total 38

Nays: Balyeat, Hansen, Harrington, Hawks, Juneau, Kaufmann, Larson, Moss, O'Neil, Schmidt, Weinberg, Mr. President.

Total 12

Paired: Stapleton, Aye; Hawks, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 12:30 p.m., Monday, April 2, 2007. Motion carried.

Senate adjourned at 1:28 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate



**SENATE JOURNAL  
60TH LEGISLATURE  
SEVENTIETH LEGISLATIVE DAY**

Helena, Montana  
April 2, 2007

Senate Chambers  
State Capitol

Senate convened at 1:00 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. Senators Gebhardt, Gillan excused. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 41

Nays: Balyeat, Essmann, Jackson, Lind, McGee, O'Neil, Shockley.

Total 7

Absent or not voting: None.

Total 0

Excused: Gebhardt, Gillan.

Total 2

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** moved the Senate Democrats to caucus and **SEN. COREY STAPLETON, SD 27, BILLINGS** moved the Senate Republicans to caucus.

The Senate reconvened at 12:53 p.m.

Roll Call. Senator Black excused. Quorum present.

Yeas: Bales, Barkus, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 41

Nays: Balyeat, Essmann, Gebhardt, Jackson, Lind, McGee, O'Neil, Shockley.

Total 8

Absent or not voting: None.

Total 0

Excused: Black.

Total 1

**COMMUNICATIONS AND PETITIONS**

House Joint Memorial No. 4 by State Affairs Committee was read and posted to the journal.

**REPORTS OF STANDING COMMITTEES**

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**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Cocchiarella, Chairman):

4/2/2007

**HB 766**, be amended as follows:

1. Title, line 4.

**Following:** "LAWS;"

**Insert:** "ELIMINATING THE ELIGIBILITY OF QUALIFIED ASSOCIATION HEALTH PLANS FOR PREMIUM ASSISTANCE AND PREMIUM INCENTIVE PAYMENTS;"

2. Title, line 6.

**Following:** "PAYMENTS;"

**Insert:** "AUTHORIZING THE BOARD OF DIRECTORS OF THE SMALL BUSINESS HEALTH INSURANCE POOL TO DESIGN, IMPLEMENT, AND ALLOCATE AVAILABLE FUNDING FOR A WELLNESS BENEFIT FOR ELIGIBLE EMPLOYEES AND DEPENDENTS COVERED UNDER PURCHASING POOL COVERAGE AND TO ALLOCATE FUNDS FOR CAFETERIA PLAN EXPENSES;"

3. Title, line 11 through line 12.

**Strike:** "CLARIFYING" on line 11 through the first "AND" on line 12

**Insert:** "DEDICATING SPECIFIC APPROPRIATION FUNDS;"

**Following:** "SECTIONS" on line 12

**Insert:** "33-22-1815, 33-22-1816, 33-22-2001,"

**Following:** "33-22-2002" on line 12

**Strike:** "AND"

**Insert:** ", 33-22-2004,"

**Following:** "33-22-2005,"

**Insert:** "33-22-2006, 33-22-2007, AND 33-22-2008,"

**Following:** "MCA"

**Insert:** "AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

4. Page 1.

**Following:** line 15

**Insert:** "Section 1. Section 33-22-1815, MCA, is amended to read:

**"33-22-1815. Qualifications for voluntary purchasing pool.** A voluntary purchasing pool of disability insurance purchasers may be formed solely for the purpose of obtaining disability insurance upon compliance with the following provisions:

(1) It contains at least 51 eligible employees.

(2) It establishes requirements for membership. ~~The~~ Except as provided in Title 33, chapter 22, part 20, the voluntary purchasing pool shall accept for membership any small employers and may accept for membership any employers with at least 51 eligible employees that otherwise meet the requirements for membership. However, the voluntary purchasing pool may not exclude any small employers that otherwise meet the requirements for membership on the basis of claim experience, occupation, or health status.

(3) It holds an open enrollment period at least once a year during which new members can join the voluntary purchasing pool.

(4) It offers coverage to eligible employees of member employers and to the employees' dependents. Coverage may not be limited to certain employees of member small employers except as provided in 33-22-1811(3)(c).

(5) It does not assume any risk or form self-insurance plans among its members.

(6) (a) Disability insurance policies, certificates, or contracts offered through the voluntary purchasing pool must rate the entire purchasing pool group as a whole and charge each insured person based on a community rate within the common group, adjusted for case characteristics as permitted by the laws governing group disability

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insurance.

(b) Except for the rates for the small business health insurance pool established in 33-22-2001, rates for voluntary purchasing pool groups must be set pursuant to the provisions of 33-22-1809.

(c) At its discretion, premiums may be paid to the disability insurance policies, certificates, or contracts by the voluntary purchasing pool or by member employers.

(7) A person marketing disability insurance policies, certificates, or contracts for a voluntary purchasing pool must be licensed as an insurance producer."

**Insert: "Section 2.** Section 33-22-1816, MCA, is amended to read:

**"33-22-1816. Commissioner powers and duties -- application for registration -- reporting insolvency.**

(1) The commissioner shall develop forms for registration of an organization as a voluntary purchasing pool.

(2) An organization seeking to be registered as a voluntary purchasing pool shall make application to the commissioner. The commissioner shall register an organization as a voluntary purchasing pool upon proof of fulfillment of the qualifications provided in 33-22-1815.

(3) Except as provided in subsection (5), on March 1 of each year, the voluntary purchasing pool shall provide a report and financial statement for the previous calendar year to the commissioner in order that the commissioner may determine:

(a) whether the operation of the voluntary purchasing pool is fiscally sound;

(b) whether the voluntary purchasing pool is bearing any risk; and

(c) the number of individuals covered.

(4) The annual report of the voluntary purchasing pool must disclose its total administrative cost.

(5) A voluntary purchasing pool may choose to operate on a fiscal year other than on the calendar year.

A voluntary purchasing pool that establishes a fiscal year that is other than the calendar year shall provide the report required in subsection (3) to the commissioner within 60 days of the voluntary purchasing pool's fiscal yearend.

(6) A small business health insurance pool established pursuant to 33-22-2001 is exempt from the provisions of this section."

**Insert: "Section 3.** Section 33-22-2001, MCA, is amended to read:

**"33-22-2001. Establishment of small business health insurance pool -- intent.** (1) There is established a nonprofit legal entity known as the small business health insurance pool, with participating membership consisting of all employer members of the purchasing pool.

(2) The small business health insurance pool is created as a voluntary purchasing pool pursuant to the provisions of 33-22-1815 ~~through and~~ 33-22-1817.

(3) Subject to the conditions in 53-6-1201, the purchasing pool shall make group health plan coverage available effective January 1, 2006.

(4) It is the intent of the legislature that the board:

(a) establish criteria that will allow the greatest number of employees possible to be eligible for premium assistance payments by not permitting eligibility for premium assistance payments under this part to employees who continue [to maintain enrollment in another] comprehensive health insurance coverage through a spouse, parent, or other person; and

(b) allow eligible small employers to determine the length of the waiting period that will apply to their employees as long as the waiting period:

(i) is not more than 12 months; and

(ii) applies to all eligible employees within that small group in the same manner.

(5) The legislative auditor shall conduct or have conducted, at least once each biennium covering the prior 2 fiscal years, a financial compliance audit of the board and the purchasing pool. The cost of the audit must be paid for by the purchasing pool as a direct cost not subject to the cap on administrative expenses."

**Renumber:** subsequent sections

5. Page 1, line 24.

**Following:** "15"

**Insert:** "eligible"

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6. Page 1, line 25.

**Following:** "15"

**Insert:** "eligible"

7. Page 2, line 3.

**Following:** "pool"

**Strike:** "or through" through "plans"

8. Page 2, line 6.

**Following:** "pool"

**Strike:** "or through" through "plans"

9. Page 2.

**Following:** line 17

**Insert:** "Section 5. Section 33-22-2004, MCA, is amended to read:

**"33-22-2004. Powers and duties of board.** (1) The board shall:

(a) establish an operating plan that includes but is not limited to administrative and accounting procedures for the operation of the purchasing pool and a schedule for premium incentive and premium assistance payments and that complies with the powers and duties provided for in this section;

(b) recommend to the commissioner the number of employees that may be employed in order to qualify as an eligible small employer;

~~(b)(c)~~ require employers and employees to reapply for premium incentive payments or premium assistance payments on an annual basis;

~~(c)(d)~~ upon reapplication, give priority to employers and their eligible employees who are already receiving the premium incentive payments and premium assistance payments unless that employer group no longer meets eligibility requirements;

~~(d)(e)~~ upon reapplication, allow employers to retain eligibility to receive premium incentive payments and premium assistance payments on behalf of their eligible employees if the number of their employees goes over the maximum number, not to exceed ~~nine~~ 15 employees, established by the commissioner in administrative rule;

~~(e)(f)~~ renew purchasing pool group health plan coverage for all employer groups, even if the employer group no longer receives or is eligible for a premium incentive or premium assistance payment;

~~(f)(g)~~ adopt a premium incentive payment amount schedule that is ~~the same for~~ based on a percentage of the employer's share of the premium that is uniformly applied to all registered eligible small employers who join the purchasing pool or obtain qualified association health plan coverage;

~~(g)(h)~~ adopt premium assistance payment amounts that, in combination with the premium incentive payments, are consistent with the amounts provided for in 33-22-2006 and 33-22-2008 or with the assistance of the department of public health and human services, adopt a premium assistance payment schedule that is equitably proportional to the income or wage level for eligible employees;

~~(h)(i)~~ establish criteria for determining which employees will be eligible for a premium assistance payment and the amount that the employees will receive from among those eligible small employer groups that have registered with the commissioner pursuant to 33-22-2008 and applied for coverage under the purchasing pool group health plan or qualified association health plan. However, to the extent that federal funds are used to make some premium assistance payments, criteria for those payments must be consistent with any waiver requirements determined by the department of public health and human services pursuant to 53-2-216. Eligibility for employees is not limited to the waiver eligibility groups.

~~(i)(j)~~ make appropriate changes to eligibility or other elements in the operating plan, implement a wellness benefit, and offer funding for cafeteria plan assistance, as provided for in 26 U.S.C. 125, as needed to reach the goal of expending ~~90%~~ 95% of the funding dedicated to premium incentive payments and premium assistance payments during the current biennium;

~~(j)(k)~~ limit the total amount of premium incentive payments and premium assistance payments paid to the

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amount of available state, federal, and private funding;

~~(k)(l)~~ approve no more than six fully insured group health plans with different benefit levels that will be offered to employers participating in the purchasing pool;

~~(h)(m)~~ prepare appropriate specifications and bid forms and solicit bids from health insurance issuers authorized to do business in this state;

~~(m)(n)~~ contract with no more than three health insurance issuers to underwrite the group health plans that will be offered through the purchasing pool;

~~(n)(o)~~ request that the department of public health and human services seek a federal waiver for medicaid matching funds for premium assistance payments based on the department's analysis, as provided in 53-2-216, if it is in the best interests of the purchasing pool;

~~(o)(p)~~ comply with the participation requirements provided for in 33-22-1811;

~~(p)(q)~~ meet at least four times annually; and

~~(q)(r)~~ within 2 years after the purchasing pool is established and considered stable by the board, examine the possibility of offering an opportunity for individual sole proprietors without employees to purchase insurance from the purchasing pool without premium incentive payments, premium assistance payments, or tax credits.

(2) The board may:

(a) borrow money;

(b) enter into contracts with insurers, administrators, or other persons;

(c) hire employees to perform the administrative tasks of the purchasing pool;

(d) assess its members for costs associated with administration of the purchasing pool and request that the commissioner transfer funds or request that the department of public health and human services transfer funds from the special revenue account, as provided in 53-6-1201, for that purpose;

(e) set contribution levels for employers;

(f) request that funds be transferred from the funds appropriated for premium incentive payments and premium assistance payments to the general fund to offset tax credits if the number of eligible small employers seeking premium incentive payments and employees receiving premium assistance payments is insufficient to exhaust at least ~~90%~~ 95% of the appropriated funds for the premium incentive and assistance payments, the wellness benefit, and the cafeteria plan expenses during a biennium;

(g) request that funds be transferred from the funds appropriated for tax credits to the funds appropriated for premium incentive payments and premium assistance payments if the number of eligible small employers seeking tax credits is insufficient to exhaust at least 95% of the funds appropriated for tax credits;

~~(g)(h)~~ seek other federal, state, and private funding sources;

~~(h)(i)~~ accept all small employer groups who apply for coverage under the small business health insurance pool group health plan even if they are not eligible for any tax credit or premium incentive payment and have not been registered by the commissioner pursuant to 33-22-2008;

~~(i) receive from the commissioner's office or the department of public health and human services premium incentive payments on behalf of eligible small employers and premium assistance payments on behalf of eligible employees, collect the employer or employee premiums from the employer or employees, and make premium payments to insurers on behalf of the eligible small employers and employees;~~

~~(j) request the commissioner to direct more than 30% of the available funding for premium incentives and premium assistance payments to qualified association health plan coverage instead of purchasing pool coverage; and~~

~~(k)(l)~~ pay appropriate commissions to licensed insurance producers who market purchasing pool coverage; and

(k) design, implement, and allocate funding, if available, for a wellness benefit in addition to benefits provided in the insurance contract, in which eligible employees and dependents covered under purchasing pool coverage may participate."

10. Page 2, line 20.

Strike: "-- RATES"

Strike: "(1)"

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11. Page 2, line 22.

**Strike:** "(A)"

**Insert:** "(1)"

**Renumber:** subsequent subsections

**Following:** "regarding"

**Insert:** "eligibility,"

12. Page 3, line 7 through line 9.

**Strike:** subsection (9) in its entirety

**Renumber:** subsequent subsections

13. Page 3, line 10 through line 11.

**Strike:** "for qualified" on line 10 through "coverage" on line 11

14. Page 3, line 12.

**Strike:** "and"

15. Page 3, line 13.

**Strike:** "(I)"

**Insert:** "(a)"

**Renumber:** subsequent subsections

16. Page 3, line 19.

**Following:** "plans"

**Insert:** "; and"

**Insert:** "(11) approve or disapprove any wellness benefit and any funding allocated for that benefit that is proposed by the board for pool participants"

17. Page 3, line 20.

**Strike:** line 20

18. Page 3.

**Following:** line 20

**Insert:** "**Section 7.** Section 33-22-2006, MCA, is amended to read:

**"33-22-2006. Premium incentive payments, premium assistance payments, and tax credits for small employer health insurance premiums paid -- eligibility for small group coverage -- amounts.** (1) ~~An~~ Subject to subsection (2), an employer is eligible to apply for premium incentive payments and premium assistance payments or a tax credit under this part if the employer and any related employers:

(a) did not have more than the number of employees established for eligibility by the commissioner at the time of registering for premium incentive payments or premium assistance payments or a tax credit under 33-22-2008;

(b) provide or will provide a group health plan for the employer's and any related employer's employees;

(c) do not have delinquent state income tax liability owing to the department of revenue from previous years;

(d) have been registered as eligible small employer participants by the commissioner as provided in 33-22-2008; and

(e) do not have any employees, not including an owner, partner, or shareholder of the business, who received more than \$75,000 in gross compensation, including bonuses and commissions, from the small employer or related employer in the prior tax year.

(2) An employer may not receive a premium incentive payment, a premium assistance payment, or a tax

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credit for the premium of any of the following individuals or the individual's dependents if the individual's gross income in the prior tax year exceeds \$75,000:

- (a) a sole proprietor of a sole proprietorship that is the employer;
- (b) a partner of a partnership that is the employer;
- (c) a shareholder of a corporation that is the employer;
- (d) a member or manager of a limited liability company that is the employer; or
- (e) the trustee of a trust that is the employer.

~~(2)~~(3) The commissioner shall establish, by rule, the maximum number of employees that may be employed to qualify as ~~a~~ an eligible small employer under subsection (1). However, the number may not be less than two employees or more than ~~nine~~ 15 employees. The commissioner shall consider the recommendation of the board when changing the rule pertaining to the number of employees that determines eligibility. The maximum number may be different for employers seeking premium incentive payments and premium assistance payments than for employers seeking a tax credit. The number must be set to maximize the number of employees receiving coverage under this part. The commissioner may not change the maximum employee number more often than every 6 months. If the maximum number of allowable employees is changed, the change does not disqualify registered employers with respect to the tax year for which the ~~employer has~~ employers have registered.

~~(3)~~(4) Except as provided in subsection ~~(4)~~ (5), an eligible small employer may claim a tax credit in the following amounts:

- (a) (i) not more than \$100 each month for each employee and \$100 each month for each employee's spouse, if the employer covers the employee's spouse, if the average age of the group is under 45 years of age; or
- (ii) not more than \$125 each month for each employee and \$100 each month for each employee's spouse, if the employer covers the employee's spouse, if the average age of the group is 45 years of age or older; and
- (b) not more than \$40 each month for each dependent, other than the employee's spouse, if the employer is paying for coverage for the dependents, not to exceed two dependents of an employee in addition to the employee's spouse.

~~(4)~~(5) An employer may not claim a tax credit:

- (a) in excess of 50% of the total premiums paid by the employer for the qualifying small group;
- (b) for premiums paid from a medical care savings account provided for in Title 15, chapter 61; or
- (c) for premiums for which a deduction is claimed under 15-30-121 or 15-31-114.

~~(5)~~(6) An employer may not claim a premium incentive payment in excess of 50% of the total premiums paid by the employer for the qualifying small group. ""

**Insert: "Section 8.** Section 33-22-2007, MCA, is amended to read:

**"33-22-2007. Filing for tax credit -- filing for premium incentive payments and premium assistance payments.** (1) An eligible small employer may:

(a) apply the tax credit against taxes due for the current tax year on a return filed pursuant to Title 15, chapter 30 or 31; or

(b) if the eligible small employer did not sponsor a group health plan for employees during the 2 years prior to the first tax year of registration for the premium incentive payments or premium assistance payments or operates a new business that is less than 2 years old and has never sponsored a group health plan, apply to receive monthly premium incentive payments and premium assistance payments to be applied to coverage obtained through the purchasing pool ~~or qualified association health plan coverage approved by the commissioner.~~

(2) An eligible small employer may not, in the same tax year, apply the tax credit against taxes due for the current tax year, as provided for in subsection (1)(a), and receive premium incentive payments, as provided for in subsection (1)(b).

(3) The premium incentive payments and premium assistance payments provided for in subsection (1)(b) must be paid pursuant to a plan of operation implemented by the board and any applicable administrative rules.

(4) (a) If an eligible small employer's tax credit as provided in subsection (1)(a) exceeds the employer's liability under 15-30-103 or 15-31-121, the amount of the excess must be refunded to the eligible small employer. The tax credit may be claimed even if the eligible small employer has no tax liability under 15-30-103 or 15-31-121.

(b) A tax credit is not allowed under 15-30-129, 15-31-132, or any other provision of Title 15, chapter 30 or 31, with respect to any amount for which a tax credit is allowed under this part.

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(5) The department of revenue or the commissioner may grant a reasonable extension for filing a claim for premium incentive payments or premium assistance payments or a tax credit whenever, in the department's or the commissioner's judgment, good cause exists. The department of revenue and the commissioner shall keep a record of each extension and the reason for granting the extension.

(6) (a) If an employer that would have a claim under this part ceases doing business before filing the claim, the representative of the employer who files the tax return or pays the premium may file the claim.

(b) If a corporation that would have a claim under this part merges with or is acquired by another corporation and the merger or acquisition makes the previously eligible corporation ineligible for the premium incentive payments, premium assistance payments, or tax credit in the future, the surviving or acquired corporation may file for the premium incentive payments, premium assistance payments, or tax credit for any claim period during which the former eligible corporation remained eligible.

(c) If an employer that would have a claim under this part files for bankruptcy protection, the receiver may file for the premium incentive payments, premium assistance payments, or tax credit for any claim period during which the employer was eligible."

**Insert: "Section 9.** Section 33-22-2008, MCA, is amended to read:

**"33-22-2008. Registration -- funding limitations -- transfers -- maximum number -- waiting list -- information transfer for tax credits.** (1) (a) Each eligible small employer that proposes to apply for premium incentive payments and premium assistance payments or a tax credit under this part must be registered each year with the commissioner. ~~The commissioner shall begin taking new applications for 2006 on October 1, 2005.~~

(b) An eligible small employer may submit a new application for the premium incentive payments and premium assistance payments or the tax credit anytime during the year, but in order to maintain the employer's registration for the next year, the registration application must be renewed each year.

(c) The commissioner shall begin accepting renewal applications on October 1 of each year and stop accepting renewal applications on October 31 of each year.

(d) The registration application must include the number of individuals covered, as of the date of the registration application, under the small group health plan for which the employer is seeking premium incentive payments and premium assistance payments or a tax credit. If, after the initial registration, the number of individuals increases, the employer may apply to register the additional individuals, but those additional individuals may be added only at the discretion of the commissioner, who shall limit enrollment based on available funds.

(e) A small employer is not eligible to apply for premium incentive payments and premium assistance payments or a tax credit for a number of employees, or the employees' spouses or dependents, over the number that has been established in 33-22-2006 as the maximum number of employees an employer may have in order to qualify for registration for the time period in question.

(f) An employer's decision to apply for premium incentive payments and premium assistance payments ~~or instead of a tax credit~~ is irrevocable for 12 months or until the purchasing pool group health plan ~~or qualified association health plan renews its registration~~ is renewed, whichever time period is less. An employer may choose to discontinue receiving any premium incentive payments and premium assistance payments or tax credits at any time.

(2) (a) The commissioner shall register qualifying eligible small employers in the order in which applications are received and according to whether or not the application is for premium incentive payments and premium assistance payments or a tax credit.

(b) (i) Initially, 60% of the available funding must be dedicated to provide and maintain premium incentive payments and premium assistance payments for eligible small employers who have not sponsored group health plans in the previous 2 years and who chose to join the purchasing pool ~~or a qualified association health plan~~ and 40% of the available funding must be dedicated to tax credits for eligible small employers who currently sponsor a small group health plan.

(ii) Sixty percent of any additional funds up to \$1 million appropriated to this program from the special revenue account that is an increase over the prior biennium must be dedicated to provide and maintain premium incentive payments and premium assistance payments for employers who have not sponsored group health plans in the previous 2 years and who choose to join the purchasing pool as provided in 53-6-1201(3)(e).

(iii) Forty percent of any additional funds up to \$1 million appropriated to this program from the special



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revenue account that is an increase over the prior biennium must be dedicated to provide and maintain tax credits, as provided in 53-6-1201(3)(d), for employers who have not sponsored group health plans in the previous 2 years and who choose to join a qualified association health plan.

(c) Funding may be transferred from the allocated fund for premium incentive payments and premium assistance payments to the general fund for tax credits if the board requests the transfer, as provided in 33-22-2004, and the commissioner approves the request.

(d) Funding may be transferred from the allocated fund for tax credits to the allocated fund for premium incentive payments and premium assistance payments if the board requests the transfer, as provided in 33-22-2004, and the commissioner approves the request.

(3) (a) The maximum number of eligible small employers is reached when the anticipated amount of claims for premium incentive payments and premium assistance payments and tax credits has reached 95% of the amount of money allocated for premium incentive payments and premium assistance payments and tax credits.

(b) The commissioner may establish a waiting list for applicants that are otherwise qualified for registration but cannot be registered because of a lack of money or because the maximum number of eligible small employers has been reached.

(c) The commissioner shall mail to each employer registered under this section a notice of registration containing a unique registration number and indicating eligibility for either premium incentive payments and premium assistance payments or a tax credit. The commissioner shall also issue to each employer that is eligible for premium incentive payments and premium assistance payments or the tax credit a certificate, placard, sticker, or other evidence of participation that may be publicly posted.

(d) The commissioner shall notify all persons who applied for registration and who were not accepted that they were not registered and the reason that they were not registered.

(4) A prospective participant shall apply for registration on a form provided by the commissioner. The prospective participant shall:

(a) provide the number of eligible employees and whether the employer qualifies under 33-22-2006;

(b) provide information that is necessary to estimate the amount of the premium incentive payments and premium assistance payments payable to the applicant or the amount of the tax credit available to the applicant, such as the ages of employees or dependents, relationships of employees' dependents, and information required by the department of public health and human services for determination of eligibility for premium assistance payments matched by federal funds;

(c) indicate whether the prospective employer intends to pursue the claim as a tax credit through the income tax process or through premium incentive payments and premium assistance payments to be applied toward purchasing pool ~~or eligible qualified association health plan~~ coverage;

(d) indicate whether or not the employer previously sponsored a group health plan and, if so, when and for how long; and

(e) provide any additional information determined by the commissioner to be necessary to support an application.

(5) (a) Each year, small employer participants shall reregister with the commissioner in order to determine the participant's continued eligibility.

(b) Small employer participants in the purchasing pool who no longer meet eligibility requirements because of statutory changes must be allowed to remain in the purchasing pool, but premium incentive payments and premium assistance payments will be discontinued beginning in January following a loss of eligibility status triggered by reregistration in October.

(c) Small employer participants who currently receive a tax credit but no longer meet eligibility requirements because of statutory changes will lose eligibility to claim a tax credit beginning in January following a loss of eligibility status triggered by reregistration in October.

(6) The commissioner shall transmit to the department of revenue, at least annually, a list of eligible small employers that are taxpayers entitled to the tax credit and shall specify the taxpayer's name and tax identification number, the tax year to which the credit applies, the amount of the credit, and whether the credit is to be applied against taxes due on the taxpayer's return or paid as premium incentive payments or premium assistance payments. Unless there has been a finding of fraud or misrepresentation on the part of the taxpayer regarding issues relating

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to eligibility for the tax credit, the department of revenue may not redetermine or change the commissioner's determination regarding the taxpayer's entitlement to and amount of the tax credit.

(7) If the department of public health and human services receives approval for a section 1115 waiver as provided in 53-2-216, the commissioner shall work with the department of public health and human services with regard to eligibility determinations as required by federal law or waiver conditions."

**Insert:** "NEW SECTION. Section 10. Effective date. [This act] is effective on passage and approval."

And, as amended, be concurred in. Report adopted.

**HB 785**, be concurred in. Report adopted.

**HJR 28**, be concurred in. Report adopted.

**HJR 39**, be amended as follows:

1. Page 1, line 11 through line 12.

**Strike:** "a negative" on line 11 through "graduates" on line 12

**Insert:** "the fifth worst rate of net outmigration of young, single, college-educated adults, according to the U.S. Bureau of the Census"

And, as amended, be concurred in. Report adopted.

**EDUCATION AND CULTURAL RESOURCES** (Ryan, Chairman):

4/2/2007

**HB 594**, be concurred in. Report adopted.

**HB 609**, be amended as follows:

1. Title, page 1, line 5.

**Strike:** "HEALTH BENEFIT OR GROUP"

2. Title, page 1, line 6.

**Following:** "DISTRICT'S"

**Insert:** "SELF-INSURED"

3. Page 1, line 12.

**Following:** first "benefit"

**Strike:** "or group health benefit"

4. Page 1, line 14.

**Following:** first "plan"

**Strike:** "or employee group health benefit plan"

5. Page 1, line 15.

**Strike:** "rate stabilization or other local health benefit"

6. Page 1, line 17.

**Following:** "district's"

**Insert:** "self-insured"

7. Page 1, line 26.

**Following:** "filed or"

**Insert:** "self-insured"

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And, as amended, be concurred in. Report adopted.

**HB 672**, be concurred in. Report adopted.

**FINANCE AND CLAIMS** (Schmidt, Chairman):

4/2/2007

**HB 269**, be concurred in. Report adopted.

**HB 283**, be concurred in. Report adopted.

**HB 400**, be amended as follows:

1. Page 1, line 13.

**Strike:** "10%"

**Insert:** "5%"

And, as amended, be concurred in. Report adopted.

**HB 608**, be amended as follows:

1. Page 2, line 6.

**Strike:** "\$500,000"

**Insert:** "\$1 million"

And, as amended, be concurred in. Report adopted.

**HB 811**, be concurred in. Report adopted.

**JUDICIARY** (Laslovich, Chairman):

4/2/2007

**HB 136**, be amended as follows:

1. Page 1, line 14.

**Strike:** "\$100,000"

**Insert:** "\$50,000"

And, as amended, be concurred in. Report adopted.

**HB 272**, be amended as follows:

1. Title, line 5.

**Following:** "OFFENDER"

**Strike:** "OR A VIOLENT OFFENDER"

2. Title, line 6.

**Following:** line 5

**Strike:** "1,"

**Following:** "2"

**Strike:** ", "

**Following:** "OFFENDER"

**Strike:** "OR A VIOLENT OFFENDER"

3. Page 1, line 28.

**Following:** "require"

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**Strike:** "the"

**Insert:** "an"

**Following:** "offender"

**Insert:** "given a level 2 or level 3 designation"

4. Page 2, line 22.

**Following:** "require"

**Strike:** "the"

**Insert:** "an"

**Following:** "offender"

**Insert:** "given a level 2 or level 3 designation"

5. Page 2, line 28.

**Following:** "name"

**Strike:** " "

**Following:** "and"

**Insert:** "and"

**Following:** "address"

**Strike:** " , and photograph"

6. Page 3, line 5.

**Following:** "46-23-509"

**Strike:** "OR IS A VIOLENT OFFENDER"

7. Page 3, line 28.

**Following:** line 27

**Insert:** "COORDINATION SECTION. Section 4. Coordination instruction. If both Senate Bill No. 547 and [this act] are passed and approved, then [section 1 of this act] amending 46-23-504 is void and 46-23-504 as amended by [this act] must read as follows:

**"46-23-504. Persons required to register -- procedure.** (1) A sexual or violent offender:

(a) shall register immediately upon conclusion of the sentencing hearing if the offender is not sentenced to confinement or is not sentenced to the department and placed in confinement by the department;

(b) must be registered as provided in 46-23-503 at least 10 days prior to release from confinement if sentenced to confinement or sentenced to the department and placed in confinement by the department;

(c) shall register within 10 days of entering a county of this state for the purpose of residing or setting up a temporary domicile for 10 days or more or for an aggregate period exceeding 30 days in a calendar year.

(2) Registration under subsection (1)(a) or (1)(c) must be with the chief of police of the municipality or the sheriff of the county if the offender resides in an area other than a municipality. Whichever law enforcement official the offender registers with shall notify the other official of the registration. The probation officer having supervision over an offender required to register under subsection (1)(a) shall verify the offender's registration status with the appropriate law enforcement agency.

(3) At the time of registering, the offender shall sign a statement in writing giving the information required by the department of justice. The chief of police or sheriff shall fingerprint the offender, unless the offender's fingerprints are on file with the department of justice, and shall photograph the offender. Within 3 days, the chief of police or sheriff shall send copies of the statement, fingerprints, and photographs to the department of justice. The registration agency shall require an offender given a level 2 or level 3 designation to appear before the registration agency for a new photograph every year.

(4) (a) The department of justice shall mail a registration verification form:

(i) each 90 days to an offender designated as a level 3 offender under 46-23-509; and

(ii) each year to a violent offender or an offender designated as a level 1 or level 2 offender under

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46-23-509.

(b) The form must require the offender's current address and notarized signature. Within 10 days after receipt of the form, the offender shall complete the form and return it to the department.

(5) The offender is responsible, if able to pay, for costs associated with registration. The fees charged for registration may not exceed the actual costs of registration. The department of justice may adopt a rule establishing fees to cover registration costs incurred by the department of justice in maintaining registration and address verification records. The fees must be deposited in the general fund.

(6) The clerk of the district court in the county in which a person is convicted of a sexual or violent offense shall notify the sheriff in that county of the conviction within 10 days after entry of the judgment. ""

**Insert:** "COORDINATION SECTION. Section 5. Coordination instruction. If both Senate Bill No. 547 and [this act] are passed and approved, then [section 2 of this act] amending 46-23-505 is void and 46-23-505 as amended by [this act] must read as follows:

**"46-23-505. Notice of change of address -- duty to inform -- forwarding of information.** If an offender required to register under this part has a change of address, the offender shall within 10 days of the change give written notification of the new address to the agency with whom the offender last registered or, if the offender was initially registered under 46-23-504(1)(b), to the ~~department and to the chief of police of the municipality or sheriff of the county~~ registration agency for the county or municipality from which the offender is moving. The agency or department shall, within 3 days after receipt of the new address, forward it to the department of justice, which shall forward a copy of the new address and photograph to the sheriff having jurisdiction over the new address and to the chief of police of the municipality of the new address if the new address is in a municipality. The registration agency shall require the offender to appear before the registration agency for a new photograph every year."

**Insert:** "COORDINATION SECTION. Section 6. Coordination instruction. If both Senate Bill No. 547 and [this act] are passed and approved, then [section 3 of this act] amending 46-23-508 is void."

And, as amended, be concurred in. Report adopted.

**HB 287**, be amended as follows:

1. Title, line 6.

**Following:** "ACT"

**Strike:** "; " through "DATE"

2. Page 3, line 23.

**Strike:** section 3 in its entirety

And, as amended, be concurred in. Report adopted.

**HB 299**, be amended as follows:

1. Page 1, line 18.

**Following:** "including"

**Strike:** "but not limited to"

2. Page 1, line 22.

**Following:** "avalanches"

**Insert:** ", except on open, designated ski trails"

3. Page 1, line 28.

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**Following:** "terrain,"

**Strike:** "EXTREME TERRAIN,"

And, as amended, be concurred in. Report adopted.

**HB 319**, be concurred in. Report adopted.

**HB 435**, be amended as follows:

1. Page 3, line 4 through line 5.

**Following:** the first "CRIME" on line 4

**Strike:** remainder of line 4 through "CRIME," on line 5

And, as amended, be concurred in. Report adopted.

**HB 464**, be amended as follows:

1. Page 2, line 12.

**Following:** "insured"

**Insert:** "or claimant"

And, as amended, be concurred in. Report adopted.

**HB 468**, be amended as follows:

1. Page 1, line 10.

**Following:** "**program.**"

**Insert:** "(1)"

2. Page 1, line 17.

**Insert:** "(2) Proceedings and records of the program created by the board pursuant to 37-3-203(4) do not include health care information, as defined in 50-16-803, maintained by a health care provider in the provision of health care services to a physician who is receiving or has received assistance from the program. The health care information is subject to discovery from the physician or health care provider and to introduction into evidence in an administrative or judicial proceeding as may otherwise be allowed by law."

And, as amended, be concurred in. Report adopted.

**HB 559**, be concurred in. Report adopted.

**HB 630**, be concurred in. Report adopted.

**HB 636**, be concurred in. Report adopted.

**HB 641**, be concurred in. Report adopted.

**HB 742**, be concurred in. Report adopted.

**HB 781**, be amended as follows:

1. Page 4, line 23.

**Following:** "African"

**Insert:** "American"

**Following:** "American,"

**Strike:** "or"

**Following:** "Asian"

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**Insert:** ", or Middle Eastern"

2. Page 4, line 30.

**Following:** line 29

**Insert:** "(10) Each law enforcement agency in this state may use federal funds from community-oriented policing services grants or any other federal sources to equip each vehicle used for traffic stops with a video camera and voice-activated microphone."

And, as amended, be concurred in. Report adopted.

**NATURAL RESOURCES AND ENERGY** (Lind, Chairman):

4/2/2007

**HB 25**, be amended as follows:

1. Title, page 1, line 11.

**Following:** "RESOURCES;"

**Insert:** "REQUIRING THE COMMISSION TO ADDRESS CARBON OFFSETS IN THE APPROVAL PROCESS;"

**Following:** "ASSETS;"

**Insert:** "REQUIRING THE PUBLIC SERVICE COMMISSION TO ESTABLISH TARIFFS;"

2. Page 1, line 12.

**Following:** "69-8-311,"

**Insert:** "69-8-402,"

3. Title, page 1, line 16.

**Following:** "MCA"

**Insert:** "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

4. Page 3, line 17.

**Strike:** "69-8-103(3)(b)"

**Insert:** "69-8-103(4)(b)"

5. Page 5.

**Following:** line 27

**Insert:** "(3) "Carbon offset provider" means a qualified third-party entity that arranges for projects or actions that either reduce carbon dioxide emissions or that increase the absorption of carbon dioxide."

**Renumber:** subsequent subsections

6. Page 6.

**Following:** line 3

**Insert:** "(5) "Cost-effective carbon offsets" means any combination of certified actions taken to reduce carbon dioxide emissions, which collectively do not increase the cost of electricity produced annually on a per-megawatt-hour basis by more than 2.5%, including:

(a) actions undertaken by the applicant that increase the absorption of carbon dioxide from a facility or equipment used to generate electricity; or

(b) actions by a carbon offset provider on behalf of the applicant."

**Renumber:** subsequent subsections

7. Page 11, line 7.

**Following:** "exemption"

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**Insert:** "-- tariffs"

8. Page 13, line 14.

**Following:** "KILOWATTS"

**Strike:** "AND"

**Insert:** "that is not purchasing electricity from a public utility on [the effective date of this act] or a small customer of a buying cooperative pursuant to Title 35, chapter 19,"

9. Page 13, line 15.

**Following:** "SUPPLIER"

**Insert:** "or a buying cooperative established pursuant to Title 35, chapter 19"

**Following:** "CUSTOMER"

**Insert:** "or small customer of a buying cooperative pursuant to Title 35, chapter 19,"

10. Page 13, line 18.

**Following:** "(B)"

**Strike:** "A"

**Insert:** "Except as provided in subsection (3), a"

11. Page 13.

**Following:** line 20

**Insert:** "(3) Subject to the tariffs established pursuant to subsection (6) and notwithstanding any other provisions of this section, a small customer, as defined in 35-19-102, may:

(a) choose to purchase electricity from a buying cooperative pursuant to Title 35, chapter 19; and

(b) subsequently purchase electricity from a public utility."

**Renumber:** subsequent subsections

12. Page 13, line 21.

**Following:** "AFFECTS"

**Strike:** "A RETAIL CUSTOMER'S"

**Insert:** "the"

**Following:** "OBLIGATIONS"

**Insert:** "of a customer pursuant to subsection (3) or the rights and obligations of a retail customer"

13. Page 13, line 27.

**Strike:** "(4)(B)"

**Insert:** "(5)(b)"

14. Page 14, line 1.

**Strike:** "(4)(A)"

**Insert:** "(5)(a)"

15. Page 14.

**Following:** line 4

**Insert:** "(6) Upon the request of an electricity supplier or a buying cooperative formed pursuant to Title 35, chapter 19, the commission shall prepare the following tariffs for public utilities:

(a) a nondiscriminatory, cost-based tariff indicating the costs that a public utility will incur if transmission and distribution services are provided to another electricity supplier;

(b) a nondiscriminatory, cost-based reentry tariff for the relevant customer class to defray the costs of a customer returning to a public utility, with the commission taking into account, among other things, the benefit to



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the public utility customers of having increased load from the additional customer to defray costs on all of its systems; and

(c) a nondiscriminatory, cost-based tariff for a customer class to defray the unrecovered, embedded costs of customers that leave the utility. The commission shall, in making a decision on a tariff, take into account the following:

- (i) additional demands on the energy supply system that can defray the loss of customers;
- (ii) the extent to which the customer leaving the energy supply system will enable the utility to purchase less power, decreasing spot-market or short-term contract purchases;
- (iii) the benefit to the utility of not needing to construct additional generation facilities; and
- (iv) any other factors that the commission considers necessary."

16. Page 15, line 16.

**Insert: "Section 10.** Section 69-8-402, MCA, is amended to read:

**"69-8-402. Universal system benefits programs.** (1) Universal system benefits programs are established for the state of Montana to ensure continued funding of and new expenditures for energy conservation, renewable resource projects and applications, and low-income energy assistance.

(2) Beginning January 1, 1999, 2.4% of each utility's annual retail sales revenue in Montana for the calendar year ending December 31, 1995, is established as the initial funding level for universal system benefits programs. To collect this amount of funds on an annualized basis in 1999, the commission shall establish rates for utilities subject to its jurisdiction and the governing boards of cooperatives shall establish rates for the cooperatives. These universal system benefits charge rates must remain in effect through December 31, 2009.

(a) The recovery of all universal system benefits programs costs imposed pursuant to this section is authorized through the imposition of a universal system benefits charge assessed at the meter for each local utility system customer as provided in this section.

(b) A utility must receive credit toward annual funding requirements for the utility's internal programs or activities that qualify as universal system benefits programs, including those amortized or nonamortized portions of expenditures for the purchase of power that are for the acquisition or support of renewable energy, conservation-related activities, or low-income energy assistance, and for large customers' programs or activities as provided in subsection (7). The department of revenue shall review claimed credits of the utilities and large customers pursuant to 69-8-414.

(c) A ~~utility's distribution services provider~~ utility at which the sale of power for final end use occurs is the utility that receives credit for the universal system benefits programs expenditure.

(d) A customer's ~~distribution services provider~~ utility shall collect universal system benefits funds less any allowable credits.

(e) For a utility to receive credit for low-income-related expenditures, the activity must have taken place in Montana.

(f) If a utility's or a large customer's credit for internal activities does not satisfy the annual funding provisions of subsection (2), then the utility shall make a payment to the universal system benefits fund established in 69-8-412 for any difference.

(3) Cooperative utilities may collectively pool their statewide credits to satisfy their annual funding requirements for universal system benefits programs and low-income energy assistance.

(4) A utility's transition plan must describe how the utility proposes to provide for universal system benefits programs, including the methodologies, such as cost-effectiveness and need determination, used to measure the utility's level of contribution to each program.

(5) A utility's minimum annual funding requirement for low-income energy and weatherization assistance is established at 17% of the utility's annual universal system benefits funding level and is inclusive within the overall universal system benefits funding level.

(a) A utility must receive credit toward the utility's low-income energy assistance annual funding requirement for the utility's internal low-income energy assistance programs or activities.

(b) If a utility's credit for internal activities does not satisfy its annual funding requirement, then the utility shall make a payment for any difference to the universal low-income energy assistance fund established in 69-8-412.

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(6) An individual customer may not bear a disproportionate share of the local utility's funding requirements, and a sliding scale must be implemented to provide a more equitable distribution of program costs.

(7) (a) A large customer:

(i) shall pay a universal system benefits programs charge with respect to the large customer's qualifying load equal to the lesser of:

(A) \$500,000, less the large customer credits provided for in this subsection (7); or

(B) the product of 0.9 mills per kilowatt hour multiplied by the large customer's total kilowatt hour purchases, less large customer credits with respect to that qualifying load provided for in this subsection (7);

(ii) must receive credit toward that large customer's universal system benefits charge for internal expenditures and activities that qualify as a universal system benefits programs expenditure, and these internal expenditures must include but not be limited to:

(A) expenditures that result in a reduction in the consumption of electrical energy in the large customer's facility; and

(B) those amortized or nonamortized portions of expenditures for the purchase of power at retail or wholesale that are for the acquisition or support of renewable energy or conservation-related activities.

(b) Large customers making these expenditures must receive a credit against the large customer's universal system benefits charge, except that any of those amounts expended in a calendar year that exceed that large customer's universal system benefits charge for the calendar year must be used as a credit against those charges in future years until the total amount of those expenditures has been credited against that large customer's universal system benefits charges.

(8) A public utility shall prepare and submit an annual summary report of the public utility's activities relating to all universal system benefits programs to the commission, the department of revenue, and the energy and telecommunications interim committee provided for in 5-5-230. A cooperative utility shall prepare and submit annual summary reports of activities to the cooperative utility's respective local governing body, the statewide cooperative utility office, and the energy and telecommunications interim committee. The statewide cooperative utility office shall prepare and submit an annual summary report of the activities of individual cooperative utilities, including a summary of the pooling of statewide credits, as provided in subsection (3), to the department of revenue and the energy and telecommunications interim committee. The annual report of a public utility or of the statewide cooperative utility office must include but is not limited to:

(a) the types of internal utility and customer programs being used to satisfy the provisions of this chapter;

(b) the level of funding for those programs relative to the annual funding requirements prescribed in subsection (2); and

(c) any payments made to the statewide funds in the event that internal funding was below the prescribed annual funding requirements.

(9) A utility or large customer filing for a credit shall develop and maintain appropriate documentation to support the utility's or the large customer's claim for the credit.

(10) (a) A large customer claiming credits for a calendar year shall submit an annual summary report of its universal system benefits programs activities and expenditures to the department of revenue and to the large customer's utility. The annual report of a large customer must identify each qualifying project or expenditure for which it has claimed a credit and the amount of the credit. Prior approval by the department of revenue or the utility is not required, except as provided in subsection (10)(b).

(b) If a large customer claims a credit that the department of revenue disallows in whole or in part, the large customer is financially responsible for the disallowance. A large customer and the large customer's utility may mutually agree that credits claimed by the large customer be first approved by the utility. If the utility approves the large customer credit, the utility may be financially responsible for any subsequent disallowance.""

**Renumber:** subsequent sections

17. Page 16, line 24.

**Strike:** the first "and"

**Insert:** ", buying cooperatives formed pursuant to Title 35, chapter 19, and"

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18. Page 16, line 26.

**Following:** "identified in"

**Insert:** "35-19-102 and"

19. Page 16, line 27.

**Following:** "and (2)"

**Insert:** "and small customers pursuant to 35-19-102"

20. Page 17, line 20.

**Strike:** "DECEMBER 31, 2007"

**Insert:** "March 31, 2008"

21. Page 19, line 12.

**Following:** "(4)"

**Insert:** "(a)"

**Strike:** "THE"

**Insert:** "Except as provided in subsections (4)(b) through (4)(d), the"

22. Page 19.

**Following:** line 16

**Insert:** "(b) If an air quality permit pursuant to Title 75, chapter 2, is required for a new electrical generation resource or a modification to an existing resource, the commission shall hold the public hearing on the application for approval at least 30 days after the issuance of the final air quality permit.

(c) If a final air quality permit is not issued within the time limit pursuant to subsection (4)(a), the commission shall extend the time limit in order to comply with subsection (4)(b).

(d) The commission may extend the time limit for issuing an order for an additional 60 days following the hearing pursuant to subsection (4)(b)."

23. Page 20.

**Following:** line 7

**Insert:** "(e) When issuing an order for the acquisition of an equity interest or lease in a facility or equipment that is constructed after January 1, 2007, and that is used to generate electricity that is primarily fueled by natural or synthetic gas, the commission shall require the applicant to implement cost-effective carbon offsets. Expenditures required for cost-effective carbon offsets pursuant to this subsection (6)(e) are fully recoverable in rates. By March 31, 2008, the commission shall adopt rules for the implementation of this subsection (6)(e)."

**Renumber:** subsequent subsections

24. Page 20.

**Following:** line 20

**Insert:** "(8) Until the state or federal government has adopted uniformly applicable statewide standards for the capture and sequestration of carbon dioxide, the commission may not approve an application for the acquisition of an equity interest or lease in a facility or equipment used to generate electricity that is primarily fueled by coal and that is constructed after January 1, 2007, unless the facility or equipment captures and sequesters a minimum of 50% of the carbon dioxide produced by the facility."

**Renumber:** subsequent subsections

25. Page 21, line 8.

**Strike:** "DECEMBER 31, 2007"

**Insert:** "March 31, 2008"

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26. Page 24, line 30.

**Strike:** "18"

**Insert:** "19"

27. Page 25, line 2.

**Strike:** "18"

**Insert:** "19"

28. Page 25, line 14.

**Insert:** "NEW SECTION. **Section 24. Effective date.** [This act] is effective on passage and approval."

And, as amended, be concurred in. Report adopted.

**HB 36**, be concurred in. Report adopted.

**HB 328**, be concurred in. Report adopted.

**HB 460**, be amended as follows:

1. Title, lines 5 and 6.

**Strike:** "CLARIFYING" on line 5 through "REQUIREMENTS;" on line 6

2. Title, line 9.

**Strike:** "SECTIONS" through ", AND"

**Insert:** "SECTION"

3. Page 1, line 14 through page 7, line 16.

**Strike:** section 1 and section 2 in their entirety

**Renumber:** subsequent sections

And, as amended, be concurred in. Report adopted.

**HB 584**, be concurred in. Report adopted.

**HB 681**, be amended as follows:

1. Title, line 8.

**Following:** "69-8-1004,"

**Strike:** "AND"

**Following:** "69-8-1005,"

**Insert:** "AND 69-8-1007,"

2. Page 3, line 15.

**Following:** "69-8-1007 and"

**Strike:** "subsection"

**Insert:** "subsections "

**Following:** "(11)"

**Insert:** "and (12)"

3. Page 5, line 5.

**Strike:** "subsection (11)"

**Insert:** "subsections (11) and (12)"

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**Following:** "utility"

**Insert:** "or competitive electricity supplier"

4. Page 5, line 6.

**Following:** "utility"

**Insert:** "or competitive electricity supplier"

5. Page 5, line 7.

**Following:** "utility"

**Insert:** "or competitive electricity supplier"

6. Page 5, line 10.

**Following:** "utility"

**Insert:** "or competitive electricity supplier"

7. Page 5, line 13.

**Following:** "utility"

**Insert:** "or competitive electricity supplier"

8. Page 5, line 15.

**Following:** "utility"

**Insert:** "or competitive electricity supplier"

9. Page 5, line 17.

**Following:** "utility"

**Insert:** "or competitive electricity supplier"

10. Page 5.

**Following:** line 18

**Insert:** "(12)(a) Retail sales made by a competitive electricity supplier made according to prices, terms, and conditions of a written contract executed prior to [the effective date of this act] are exempt from the standards in subsections (2) through (4).

(b) The exemption provided for in subsection (12)(a) is terminated upon modification after [the effective date of this act] of the prices, terms, or conditions in a written contract."

11. Page 5, line 22.

**Strike:** "or competitive electricity supplier"

12. Page 5, line 28.

**Strike:** "or competitive electricity supplier"

13. Page 6.

**Following:** line 21

**Insert:** "(7) For the purpose of implementing this part, the commission has regulatory authority over competitive electricity suppliers."

**Insert:** "Section 4. Section 69-8-1007, MCA, is amended to read:

**"69-8-1007. Cost caps.** (1) A public utility that has restructured pursuant to Title 69, chapter 8, is not obligated to take electricity from an eligible renewable resource unless the eligible renewable resource has demonstrated through a competitive bidding process that the total cost of electricity from that eligible resource, including the associated cost of ancillary services necessary to manage the transmission grid and firm the resource,

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is less than or equal to bids for the equivalent quantity of power over the equivalent contract term from other electricity suppliers.

(2) A public utility that has not restructured pursuant to Title 69, chapter 8, is not obligated to take electricity from an eligible renewable resource unless the cost per kilowatt hour of the generation from the renewable resource does not exceed by more than 15% the cost of power from any other alternate generating resource available to the public utility.

(3) A competitive electricity supplier is not obligated to take electricity from an eligible renewable resource unless the total cost of the electricity from that eligible renewable resource, including ancillary services, is less than or equal to a cost cap determined by the commission based on:

(a) the cost of alternate power supplies available to the competitive electricity supplier; and

(b) the cost caps applicable to other utilities under this section."

**Renumber:** subsequent section

And, as amended, be concurred in. Report adopted.

**HB 715**, be amended as follows:

1. Title, line 5.

**Following:** "USED FOR"

**Insert:** "CLEAN"

2. Page 1, line 29.

**Following:** "or"

**Insert:** "clean"

3. Page 2, line 8.

**Following:** "enhance"

**Insert:** "clean"

4. Page 2, line 9.

**Following:** "ENHANCE"

**Insert:** "clean"

And, as amended, be concurred in. Report adopted.

**PUBLIC HEALTH, WELFARE AND SAFETY** (Weinberg, Chairman):

4/2/2007

**HB 77**, be concurred in. Report adopted.

**HB 154**, be concurred in. Report adopted.

**HB 414**, be concurred in. Report adopted.

**HB 459**, be concurred in. Report adopted.

**HB 461**, be concurred in. Report adopted.

**HB 687**, be amended as follows:

1. Title, line 4.

**Following:** "INSURANCE"

**Insert:** "AND HEALTH PLAN"

2. Title, page 1, line 5.

**Following:** "7;"

**Strike:** "AND"

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**Following:** "SECTIONS"

**Insert:** "2-18-704,"

**Following:** "33-30-1014,"

**Strike:** "AND"

3. Title, line 6.

**Following:** "33-31-301,"

**Insert:** "AND 33-35-306,"

**Following:** "MCA"

**Insert:** "; AND PROVIDING A DELAYED EFFECTIVE DATE AND AN APPLICABILITY DATE"

4. Page 1, line 10.

**Insert:** "**Section 1.** Section 2-18-704, MCA, is amended to read:

**"2-18-704. Mandatory provisions.** (1) An insurance contract or plan issued under this part must contain provisions that permit:

(a) the member of a group who retires from active service under the appropriate retirement provisions of a defined benefit plan provided by law or, in the case of the defined contribution plan provided in Title 19, chapter 3, part 21, a member with at least 5 years of service and who is at least age 50 while in covered employment to remain a member of the group until the member becomes eligible for medicare under the federal Health Insurance for the Aged Act, 42 U.S.C. 1395, as amended, unless the member is a participant in another group plan with substantially the same or greater benefits at an equivalent cost or unless the member is employed and, by virtue of that employment, is eligible to participate in another group plan with substantially the same or greater benefits at an equivalent cost;

(b) the surviving spouse of a member to remain a member of the group as long as the spouse is eligible for retirement benefits accrued by the deceased member as provided by law unless the spouse is eligible for medicare under the federal Health Insurance for the Aged Act or unless the spouse has or is eligible for equivalent insurance coverage as provided in subsection (1)(a);

(c) the surviving children of a member to remain members of the group as long as they are eligible for retirement benefits accrued by the deceased member as provided by law unless they have equivalent coverage as provided in subsection (1)(a) or are eligible for insurance coverage by virtue of the employment of a surviving parent or legal guardian.

(d) For purposes of:

(i) "developmental assessment"; and

(ii) well-child care";

(2) An insurance contract or plan issued under this part must contain the provisions of subsection (1) for remaining a member of the group and also must permit:

(a) the spouse of a retired member the same rights as a surviving spouse under subsection (1)(b);

(b) the spouse of a retiring member to convert a group policy as provided in 33-22-508; and

(c) continued membership in the group by anyone eligible under the provisions of this section, notwithstanding the person's eligibility for medicare under the federal Health Insurance for the Aged Act.

(3) (a) A state insurance contract or plan must contain provisions that permit a legislator to remain a member of the state's group plan until the legislator becomes eligible for medicare under the federal Health Insurance for the Aged Act, 42 U.S.C. 1395, as amended, if the legislator:

(i) terminates service in the legislature and is a vested member of a state retirement system provided by law; and

(ii) notifies the department of administration in writing within 90 days of the end of the legislator's legislative term.

(b) A former legislator may not remain a member of the group plan under the provisions of subsection (3)(a) if the person:

(i) is a member of a plan with substantially the same or greater benefits at an equivalent cost; or

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(ii) is employed and, by virtue of that employment, is eligible to participate in another group plan with substantially the same or greater benefits at an equivalent cost.

(c) A legislator who remains a member of the group under the provisions of subsection (3)(a) and subsequently terminates membership may not rejoin the group plan unless the person again serves as a legislator.

(4) (a) A state insurance contract or plan must contain provisions that permit continued membership in the state's group plan by a member of the judges' retirement system who leaves judicial office but continues to be an inactive vested member of the judges' retirement system as provided by 19-5-301. The judge shall notify the department of administration in writing within 90 days of the end of the judge's judicial service of the judge's choice to continue membership in the group plan.

(b) A former judge may not remain a member of the group plan under the provisions of this subsection (4) if the person:

(i) is a member of a plan with substantially the same or greater benefits at an equivalent cost;

(ii) is employed and, by virtue of that employment, is eligible to participate in another group plan with substantially the same or greater benefits at an equivalent cost; or

(iii) becomes eligible for medicare under the federal Health Insurance for the Aged Act, 42 U.S.C. 1395, as amended.

(c) A judge who remains a member of the group under the provisions of this subsection (4) and subsequently terminates membership may not rejoin the group plan unless the person again serves in a position covered by the state's group plan.

(5) A person electing to remain a member of the group under subsection (1), (2), (3), or (4) shall pay the full premium for coverage and for that of the person's covered dependents.

(6) An insurance contract or plan issued under this part that provides for the dispensing of prescription drugs by an out-of-state mail service pharmacy, as defined in 37-7-702:

(a) must permit any member of a group to obtain prescription drugs from a pharmacy located in Montana that is willing to match the price charged to the group or plan and to meet all terms and conditions, including the same professional requirements that are met by the mail service pharmacy for a drug, without financial penalty to the member; and

(b) may only be with an out-of-state mail service pharmacy that is registered with the board under Title 37, chapter 7, part 7, and that is registered in this state as a foreign corporation.

(7) An insurance contract or plan issued under this part must include coverage for treatment of inborn errors of metabolism, as provided for in 33-22-131.

(8) An insurance contract or plan issued under this part must include substantially equivalent or greater coverage for outpatient self-management training and education for the treatment of diabetes and certain diabetic equipment and supplies as provided in 33-22-129.

(9) (a) An insurance contract or plan issued under this part that provides coverage for an individual in a member's family must provide coverage for well-child care for children from the moment of birth through 7 years of age. Benefits provided under this coverage are exempt from any deductible provision that may be in force in the contract or plan.

(b) Coverage for well-child care under subsection (9)(a) must include:

(i) a history, physical examination, developmental assessment, anticipatory guidance, and laboratory tests, according to the schedule of visits adopted under the early and periodic screening, diagnosis, and treatment services program provided for in 53-6-101; and

(ii) routine immunizations according to the schedule for immunization recommended by the immunization practice advisory committee of the U.S. department of health and human services.

(c) Minimum benefits may be limited to one visit payable to one provider for all of the services provided at each visit as provided for in this subsection (9).

(d) For purposes of this subsection (9):

(i) "well-child care" means the services described in subsection (9)(b) and delivered by a physician or a health care professional supervised by a physician; and

(ii) "developmental assessment" and "anticipatory guidance" mean the services described in the Guidelines for Health Supervision II, published by the American academy of pediatrics."



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**Renumber:** subsequent sections

5. Page 10, line 23.

**Insert:** "Section 6. Section 33-35-306, MCA, is amended to read:

**"33-35-306. Application of insurance code to arrangements.** (1) In addition to this chapter, self-funded multiple employer welfare arrangements are subject to the following provisions:

(a) Title 33, chapter 1, part 4, but the examination of a self-funded multiple employer welfare arrangement is limited to those matters to which the arrangement is subject to regulation under this chapter;

(b) Title 33, chapter 1, part 7;

(c) 33-3-308;

(d) Title 33, chapter 18, except 33-18-242;

(e) Title 33, chapter 19;

(f) 33-22-107, 33-22-131, 33-22-134, and 33-22-135; and

(g) 33-22-512, 33-22-525 and 33-22-526.

(2) Except as provided in this chapter, other provisions of Title 33 do not apply to a self-funded multiple employer welfare arrangement that has been issued a certificate of authority that has not been revoked.""

**Insert:** "NEW SECTION. **Section 7. Effective date.** [This act] is effective January 1, 2008."

**Insert:** "NEW SECTION. **Section 8. Applicability.** [This act] applies to policies, certificates, evidence of coverage, and plans issued or renewed on or after January 1, 2008."

And, as amended, be concurred in. Report adopted.

**HB 727**, be amended as follows:

1. Title, line 5.

**Following:** "PLAN"

**Insert:** "BY PROVIDING FOR CONTINUED ELIGIBILITY FOR THE PURPOSE OF RETURNING TO WORK"

2. Page 1, line 26.

**Following:** "determining"

**Insert:** "continuing"

3. Page 1, line 27.

**Strike:** "family"

**Insert:** "earned"

**Following:** "income"

**Strike:** "received from any source"

**Insert:** "for individuals who have returned to work"

And, as amended, be concurred in. Report adopted.

**HB 743**, be concurred in. Report adopted.

**HJR 9**, be concurred in. Report adopted.

**STATE ADMINISTRATION** (Squires, Chairman):

4/2/2007

**HB 462**, be amended as follows:

1. Title, page 1, line 8.

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**Strike:** "AND"

**Insert:** "PROVIDING FOR THE DISPOSITION OF CURRENT CONSTITUENT SERVICES ACCOUNTS;"

**Strike:** "SECTION"

**Insert:** "SECTIONS 2-2-104 AND"

**Following:** "MCA"

**Insert:** "; AND PROVIDING AN APPLICABILITY DATE"

2. Page 1.

**Following:** line 10

**Insert:** "NEW SECTION. **Section 1. Definitions.** As used in [sections 1 through 3], the following definitions apply:

(1) "Constituent services" means travel, mailing, and other expenses incurred to represent and serve constituents and authorized in rules adopted by the commissioner to implement the provisions of [sections 1 through 3].

(2) "Personal benefit" has the meaning provided in 13-37-240."

**Renumber:** subsequent sections

3. Page 1, line 13 through line 15.

**Strike:** "IS AN ACCOUNT" on line 13

**Insert:** "may be"

**Strike:** "HOLDING" on line 13 through "POSITION" on line 15

**Insert:** "elected to a statewide or legislative office to pay for constituent services"

4. Page 1, line 15.

**Strike:** "PUBLIC OFFICIAL"

**Insert:** "person elected to a statewide or legislative office"

5. Page 1, line 16.

**Following:** "(2)"

**Insert:** "(a)(i)"

6. Page 1, line 17.

**Following:** "."

**Insert:** "(ii) Except as provided in subsection (2)(a)(iii), a statewide official or legislator may accept contributions, subject to the limitations provided in [section 3], for deposit in a constituent services account only between the date on which the officeholder closes the officeholder's campaign account under 13-37-240 and the end of the officeholder's term of office or, if the officeholder runs for reelection or election to another office, the earlier of the date when the officeholder opens a campaign account or the date when the officeholder files a declaration for nomination pursuant to 13-10-201 or 13-14-112 or a declaration of intent pursuant to 13-10-211.

(iii) A legislator may not accept contributions for deposit in a constituent services account during a legislative session.

(b)"

**Following:** "used"

**Insert:** "only"

7. Page 1, line 17 through line 18.

**Strike:** "expenses" on line 17 through "constituents" on line 18

**Insert:** "constituent services"

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8. Page 1, line 18.

**Following:** ". "

**Insert:** "The money in the account may not be used for personal benefit. Expenditures from a constituent services account may not be made when the holder of the constituent services account also has an open campaign account."

9. Page 1, line 24 through page 2, line 1.

**Strike:** subsections (3) and (4) in their entirety

**Insert:** "(3) A statewide official or legislator may not establish any account related to the public official's office other than a constituent services account. This subsection does not prohibit a statewide official or legislator from establishing a campaign account."

**Renumber:** subsequent subsections

10. Page 2, line 2.

**Strike:** "an annual"

**Insert:** "a quarterly"

11. Page 2, line 4.

**Following:** ". "

**Insert:** "The report must include the same information as required for a candidate reporting contributions under 13-37-229 and expenditures under 13-37-230. The report must be certified as provided in 13-37-231."

12. Page 2.

**Following:** line 6

**Insert:** "NEW SECTION. **Section 3. Contribution limits applicable to constituent services accounts.** (1) The holder of a constituent services account may accept contributions for deposit into the account only from an individual. A committee or corporation may not contribute to a constituent services account.

(2) During a term of office, aggregate contributions from one individual to a constituent services account are limited as follows:

(a) for the office of governor or lieutenant governor, not to exceed \$500;

(b) for a statewide office, other than the governor or lieutenant governor, not to exceed \$250;

(c) for a legislator, not to exceed \$130.

(3) A candidate may not accept any contributions in excess of the limits in this section."

**Insert:** "**Section 4.** Section 2-2-104, MCA, is amended to read:

**"2-2-104. Rules of conduct for public officers, legislators, and public employees.** (1) Proof of commission of any act enumerated in this section is proof that the actor has breached the actor's public duty. A public officer, legislator, or public employee may not:

(a) disclose or use confidential information acquired in the course of official duties in order to further substantially the individual's personal economic interests; or

(b) accept a gift of substantial value or a substantial economic benefit tantamount to a gift:

(i) that would tend improperly to influence a reasonable person in the person's position to depart from the faithful and impartial discharge of the person's public duties; or

(ii) that the person knows or that a reasonable person in that position should know under the circumstances is primarily for the purpose of rewarding the person for official action taken.

(2) An economic benefit tantamount to a gift includes without limitation a loan at a rate of interest substantially lower than the commercial rate then currently prevalent for similar loans and compensation received for private services rendered at a rate substantially exceeding the fair market value of the services. Campaign contributions or contributions to a constituent services account pursuant to [sections 1 through 3] reported as required by statute are not gifts or economic benefits tantamount to gifts.

(3) (a) Except as provided in subsection (3)(b), a public officer, legislator, or public employee may not

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receive salaries from two separate public employment positions that overlap for the hours being compensated, unless:

(i) the public officer, legislator, or public employee reimburses the public entity from which the employee is absent for the salary paid for performing the function from which the officer, legislator, or employee is absent; or

(ii) the public officer's, legislator's, or public employee's salary from one employer is reduced by the amount of salary received from the other public employer in order to avoid duplicate compensation for the overlapping hours.

(b) Subsection (3)(a) does not prohibit:

(i) a public officer, legislator, or public employee from receiving income from the use of accrued leave or compensatory time during the period of overlapping employment; or

(ii) a public school teacher from receiving payment from a college or university for the supervision of student teachers who are enrolled in a teacher education program at the college or university if the supervision is performed concurrently with the school teacher's duties for a public school district.

(c) In order to determine compliance with this subsection (3), a public officer, legislator, or public employee subject to this subsection (3) shall disclose the amounts received from the two separate public employment positions to the commissioner of political practices."

**Renumber:** subsequent sections

13. Page 2, line 12.

**Following:** "candidate"

**Insert:** "for a statewide elected or legislative office"

14. Page 2, line 13.

**Strike:** "1"

**Insert:** "2"

15. Page 2.

**Following:** line 16

**Insert:** "NEW SECTION. Section 6. Disposition of current accounts. A constituent services account that exists on [the effective date of this act] must be closed within 120 after [the effective date of this act]. Money in the account must either be spent on constituent services or donated to a charitable purpose."

**Renumber:** subsequent section

16. Page 2, line 18.

**Strike:** "[Section 1] is"

**Insert:** "[Sections 1 through 3] are"

17. Page 2, line 19.

**Strike:** the first "part 2,"

**Strike:** the second "part 2,"

**Strike:** "[section 1]"

**Insert:** "[sections 1 through 3]"

18. Page 2.

**Following:** line 19

**Insert:** "NEW SECTION. Section 8. Applicability. [This act] applies to any constituent services account opened on or after [the effective date of this act]."

And, as amended, be concurred in. Report adopted.

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**HB 520**, be concurred in. Report adopted.

**TAXATION** (Elliott, Chairman):

4/2/2007

**HB 778**, be concurred in. Report adopted.

**HJR 36**, be concurred in. Report adopted.

**HJR 362**, be amended as follows:

1. Page 2.

**Following:** line 3

**Insert:** "(3) The board of county commissioners may enter an order that permanently and prospectively cancels real property taxes on parcels identified by the county treasurer or the board as being solely used for road purposes and that otherwise meet the requirements of this section."

**Renumber:** subsequent subsection

2. Page 3, line 2.

**Insert:** "NEW SECTION. Section 3. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."

**Renumber:** subsequent section

And, as amended, be concurred in. Report adopted.

**MOTIONS**

**SEN. JESSE LASLOVICH, SD 43, ANACONDA** moved to take **SB 939** out of Taxation Committee and placed on second reading this 70th Legislative day. Motion **failed** as follows:

Yeas: Cocchiarella, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 25

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Elliott, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 25

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SEN. DANIEL MCGEE, SD 29, LAUREL** moved to take **HB 215** out of Judiciary Committee and placed on second reading the 71st Legislative day. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 24

Nays: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg,

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Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 26

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SEN. CHRISTINE KAUFMANN, SD 41, HELENA** moved to take **SB 560** out of Committee and placed on second reading this 70th Legislative day. Motion **failed** as follows:

Yeas: Elliott, Esp, Gallus, Hansen, Harrington, Hawks, Juneau, Kaufmann, Laslovich, Lind, Moss, Smith, Squires, Wanzenried, Weinberg, Mr. President.

Total 16

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Essmann, Gebhardt, Gillan, Jackson, Jent, Kitzenberg, Laible, Larson, Lewis, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Williams.

Total 34

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SEN. JERRY O'NEIL, SD 3, COLUMBIA FALLS** moved to take **HB 359** out of Committee and placed on second reading this 70 Legislative day. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 23

Nays: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 27

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senate convened at 5:14 p.m.

Roll Call. Senators Juneau, Bales, Black, Laible excused. Quorum present.

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Yeas: Barkus, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 39

Nays: Balyeat, Gebhardt, Jackson, Lind, McGee, O'Neil, Shockley.

Total 7

Absent or not voting: None.

Total 0

Excused: Bales, Black, Juneau, Laible.

Total 4

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bill was introduced, read first time, and referred to committee:

**SB 568**, introduced by Wanzenried, referred to Finance and Claims.

The following Senate joint resolution was introduced, read first time, and referred to committee:

**SJR 27**, introduced by Weinberg, referred to Finance and Claims.

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 6**, introduced by Kasten, referred to Finance and Claims.

The following House bills were introduced, read first time, and referred to committees:

**HB 3**, introduced by Franklin, referred to Finance and Claims.

**HB 8**, introduced by Kasten, referred to Finance and Claims.

**HB 49**, introduced by Hamilton, referred to Local Government.

**HB 63**, introduced by Musgrove, referred to Finance and Claims.

**HB 155**, introduced by Noonan, referred to Finance and Claims.

**HB 298**, introduced by Hiner, referred to Finance and Claims.

**HB 304**, introduced by Furey, referred to Natural Resources and Energy.

**HB 343**, introduced by Rice, referred to Finance and Claims.

**HB 406**, introduced by Clark, referred to Finance and Claims.

**HB 418**, introduced by Koopman, referred to Public Health, Welfare and Safety.

**HB 463**, introduced by Villa, referred to Taxation.

**HB 488**, introduced by Jopek, referred to Taxation.

**HB 512**, introduced by L. Jones, referred to Finance and Claims.

**HB 529**, introduced by Lake, referred to Taxation.

**HB 539**, introduced by Groesbeck, referred to Finance and Claims.

**HB 574**, introduced by Hiner, referred to Finance and Claims.

**HB 677**, introduced by Arntzen, referred to Judiciary.

**HB 680**, introduced by Cohenour, referred to Taxation.

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**HB 732**, introduced by Small-Eastman, referred to Education and Cultural Resources.

**HB 797**, introduced by Ankney, referred to State Administration.

**HB 822**, introduced by Reinhart, referred to Taxation.

**HB 823**, introduced by Small-Eastman, referred to Taxation.

**HB 826**, introduced by McChesney, referred to Taxation.

**HB 829**, introduced by L. Jones, referred to Finance and Claims.

**HB 830**, introduced by Kasten, referred to Finance and Claims.

**HB 831**, introduced by McNutt, referred to Natural Resources and Energy.

**HB 835**, introduced by Stahl, referred to Natural Resources and Energy.

**HB 841**, introduced by Ankney, referred to Education and Cultural Resources.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Perry in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 558** - Senator Lind moved **SB 558** do pass. Motion **failed** as follows:

Yeas: Cobb, Cocchiarella, Elliott, Gallus, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 25

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Gillan, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash.

Total 25

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 558** - Senator Stapleton moved **SB 558** be **indefinitely postponed**. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 23

Nays: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 27

Absent or not voting: None.

Total 0



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Excused: None.  
Total 0

**SB 567** - Senator Gillan moved **SB 567** do pass. Motion carried as follows:

Yeas: Black, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Laible, Larson, Laslovich, Lewis, Moss, Pease, Ryan, Schmidt, Shockley, Smith, Squires, Story, J.Tropila, M.Tropila, Weinberg, Williams, Mr. President.  
Total 33

Nays: Bales, Balyeat, Barkus, Brown, Brueggeman, Hansen, Kitzenberg, Lind, McGee, Murphy, O'Neil, Perry, Peterson, Stapleton, Steinbeisser, Tash, Wanzenried.  
Total 17

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

Senator Williams moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Perry moved the Committee of the Whole report be adopted. Report adopted unanimously.

**SB 105** - Senator Lind moved **SB 105** do pass. Motion carried as follows:

Yeas: Bales, Black, Brown, Brueggeman, Cobb, Cocchiarella, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Tash, J.Tropila, M.Tropila, Weinberg, Williams, Mr. President.  
Total 33

Nays: Balyeat, Barkus, Curtiss, Elliott, Esp, Gebhardt, Jackson, Laible, McGee, Murphy, O'Neil, Shockley, Squires, Stapleton, Steinbeisser, Story, Wanzenried.  
Total 17

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

Senator Williams moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Perry moved the Committee of the Whole report be adopted. Report adopted unanimously.

**HB 113** - Senator Cocchiarella moved to strike Senator Brown's amendment (610847CW) passed on the 69th Legislative day due to the Supreme Court ruling currently in place regarding non-resident purchase of liquor licenses. Motion carried as follows:

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Yeas: Barkus, Brueggeman, Cocchiarella, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, J.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 36

Nays: Bales, Balyeat, Black, Brown, Cobb, Curtiss, Esp, Essmann, Jackson, McGee, Perry, Story, Tash, M.Tropila.  
Total 14

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 113** - Senator Cocchiarella moved **HB 113** be concurred in. Motion carried as follows:

Yeas: Barkus, Black, Brueggeman, Cocchiarella, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 39

Nays: Bales, Balyeat, Brown, Cobb, Curtiss, Esp, Essmann, Jackson, McGee, Perry, Tash.  
Total 11

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 537** - Senator Ryan moved **HB 537** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 47

Nays: Brown, McGee, O'Neil.  
Total 3

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

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**HB 668** - Senator Cocchiarella moved **HB 668** be concurred in. Motion carried unanimously.

**HB 364** - Senator Esp moved **HB 364** be concurred in. Motion carried unanimously.

Senator Williams moved the committee rise, report progress, and beg leave to sit again. Motion carried.  
Committee arose. Senate resumed. President Cooney in the chair. Chairman Perry moved the Committee of the Whole report be adopted. Report adopted unanimously.

Senate convened at 5:15 p.m.

**HJR 16** - Senator Jent moved **HJR 16** be concurred in. Motion carried unanimously.

**HB 26** - Senator Hansen moved **HB 26** be concurred in. Motion carried with Senator Wanzenried, Juneau, O'Neil, Kaufmann voting nay.

**HB 737** - Senator Brueggeman moved **HB 737** be concurred in. Motion carried with Senator Balyeat, Curtiss, Wanzenried, McGee voting nay.

**HB 235** - Senator Gillan moved **HB 235** be concurred in. Motion carried as follows:

Yeas: Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lind, Moss, Pease, Schmidt, Stapleton, M.Tropila, Weinberg, Williams, Mr. President.

Total 28

Nays: Bales, Balyeat, Barkus, Curtiss, Hansen, Jackson, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Ryan, Shockley, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, Wanzenried.

Total 21

Absent or not voting: None.

Total 0

Excused: Black.

Total 1

**HB 24** - Senator Lind moved consideration of **HB 24** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**SB 400** - Senator Kaufmann moved **SB 400** do pass. Motion carried as follows:

Yeas: Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lind, Moss, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 38

Nays: Bales, Balyeat, Barkus, Curtiss, Jackson, Lewis, McGee, Murphy, O'Neil, Shockley, Steinbeisser.

Total 11

Absent or not voting: None.

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Total 0

Excused: Black.

Total 1

**SB 558** - Senator Lind moved **SB 558** do pass. Motion carried as follows:

Yeas: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 25

Nays: Bales, Balyeat, Barkus, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Jent, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash.

Total 24

Absent or not voting: None.

Total 0

Excused: Black.

Total 1

Senator Williams moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Perry moved the Committee of the Whole report be adopted. Motion to adopt report carried as follows:

Yeas: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 26

Nays: Bales, Balyeat, Barkus, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash.

Total 23

Absent or not voting: None.

Total 0

Excused: Black.

Total 1

**HB 755** - Senator Esp moved **HB 755** be concurred in. Motion carried with Senator McGee voting nay.

**HB 389** - Senator Williams moved consideration of **HB 389** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**HB 372** - Senator Lewis moved **HB 372** be concurred in. Motion carried with Senator Balyeat, Ryan, McGee voting nay.

**HB 650** - Senator McGee moved **HB 650**, second reading copy, be amended as follows:

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1. Title, line 5.

Following: "~~GOD-GIVEN~~"

Insert: "GOD-GIVEN,"

2. Page 1, line 28.

Following: "~~God-given~~"

Insert: "God-given,"

Amendment carried as follows:

Yeas: Bales, Balyeat, Barkus, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Kitzenberg, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash, Tropila, J.

Total 25

Nays: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, Tropila, M, Wanzenried, Weinberg, Williams, Cooney.

Total 24

Absent or not voting: None

Excused: Black

Total 0

**HB 650** - Senator McGee moved **HB 650** be concurred in as amended. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Kitzenberg, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 24

Nays: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, Tropila, J, Tropila, J, Wanzenried, Weinberg, Williams, Cooney.

Total 25

Absent or not voting: 0

Excused: Black

Total 0

Senator Stapleton made a **substitute motion** that the amendment to **HB 650** be stripped and that **HB 650** remain on second reading. He further moved that **HB 650** be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion carried.

Senator Williams moved the committee rise, report progress, and beg leave to sit again. Motion carried.

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Committee arose. Senate resumed. President Cooney in the chair. Chairman Perry moved the Committee of the Whole report be adopted. Report adopted.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 782** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Black.

Total 1

**HJR 22** concurred in as follows:

Yeas: Bales, Barkus, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 43

Nays: Balyeat, Curtiss, Esp, Gebhardt, McGee, O'Neil.

Total 6

Absent or not voting: None.

Total 0

Excused: Black.

Total 1

**HJR 26** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 44

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Nays: Curtiss, Esp, Gebhardt, Jackson, O'Neil.  
Total 5

Absent or not voting: None.  
Total 0

Excused: Black.  
Total 1

**HJR 33** concurred in as follows:

Yeas: Bales, Brueggeman, Cobb, Cocchiarella, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 37

Nays: Balyeat, Barkus, Brown, Curtiss, Esp, Gebhardt, Jackson, Jent, Lind, McGee, O'Neil, Perry.  
Total 12

Absent or not voting: None.  
Total 0

Excused: Black.  
Total 1

**HB 452** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Williams, Mr. President.  
Total 48

Nays: Weinberg.  
Total 1

Absent or not voting: None.  
Total 0

Excused: Black.  
Total 1

**HB 467** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 47

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Nays: Juneau, Steinbeisser.  
Total 2

Absent or not voting: None.  
Total 0

Excused: Black.  
Total 1

**HB 514** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Black.  
Total 1

**HB 629** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Black.  
Total 1

**HB 617** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams,



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Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Black.  
Total 1

**HB 657** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Black.  
Total 1

**HB 35** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Black.  
Total 1

**HB 300** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus,

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Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Black.

Total 1

**HB 310** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Black.

Total 1

**HB 587** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 46

Nays: Gallus, Jent, M.Tropila.

Total 3

Absent or not voting: None.

Total 0

Excused: Black.

Total 1

**HB 99** concurred in as follows:

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Yeas: Bales, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Essmann, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 40

Nays: Balyeat, Barkus, Curtiss, Gallus, Gebhardt, McGee, O'Neil, Shockley, Stapleton.  
Total 9

Absent or not voting: None.  
Total 0

Excused: Black.  
Total 1

**HB 348** concurred in as follows:

Yeas: Bales, Balyeat, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 42

Nays: Barkus, Curtiss, Gillan, McGee, Shockley, Smith, Stapleton.  
Total 7

Absent or not voting: None.  
Total 0

Excused: Black.  
Total 1

**SB 551** failed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 24

Nays: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 26

Paired: Black, Aye; Schmidt, No.

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

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**SPECIAL ORDERS OF THE DAY**

**LEGISLATIVE ADMINISTRATION** (Smith, Chairman):

4/2/2007

MR. PRESIDENT:

We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 10:00 a.m., Saturday, March 31, 2007:

TITLE

NAME

Pages:

Ashley Glover, Great Falls  
Montana Wilson, Wolfpoint  
Clara Moulton, Great Falls  
Amy McKinney, Libby  
John Garrison, Thompson Falls  
Tara Turnbull, Culbertson  
Katie Jolley, Victor

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, April 2, 2007:

TITLE

NAME

Pages:

Tyler Zupan, Wilsall  
Ryan Arthun, Wilsall  
Elizabeth Redfern, Missoula  
Steel Andersen, Livingston  
Shelby Shaw, Butte

Report Adopted.

**SPECIAL ORDERS OF THE DAY**

**SR 9 - SEN. CAROLYN SQUIRES, SD 48, MISSOULA** moved to confirm Stan Boone as member of the Board of Livestock. **SEN. STEVE GALLUS, SD 37, BUTTE** presented Mr Boone's qualifications. The motion to adopt carried as follows:

Yeas: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 26

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 24

Paired: Moss, Aye; Black, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1:00 p.m., Tuesday, April 3, 2007. Motion carried.

Senate adjourned at 8:17 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

**SENATE JOURNAL  
60TH LEGISLATURE  
SEVENTY-FIRST LEGISLATIVE DAY**

Helena, Montana  
April 3, 2007

Senate Chambers  
State Capitol

Senate convened at 1:00 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. Senators McGee and Black excused. Quorum present.

Yeas: Bales, Barkus, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 43

Nays: Balyeat, Gebhardt, Jackson, O'Neil, Shockley.

Total 5

Absent or not voting: None.

Total 0

Excused: Black, McGee.

Total 2

**MESSAGES FROM THE GOVERNOR**

March 30, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 21** sponsored by Senator Larson on March 30, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

March 30, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

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Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 88** sponsored by Senator Hawks on March 30, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

March 30, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 237** sponsored by Senator Brueggeman on March 30, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

**MESSAGES FROM THE OTHER HOUSE**

<b>House bill</b> concurred in and returned to the Senate:	4/2/2007
<b>HB 35</b> , introduced by Keane	
<b>House bill</b> concurred in and returned to the Senate:	4/2/2007
<b>HB 99</b> , introduced by Olson	
<b>House bill</b> concurred in and returned to the Senate:	4/2/2007
<b>HB 348</b> , introduced by Keane	
<b>House bill</b> concurred in and returned to the Senate:	4/2/2007
<b>HB 587</b> , introduced by Himmelberger	
<b>House bill</b> concurred in and returned to the Senate:	4/2/2007
<b>HB 617</b> , introduced by Sinrud	
<b>House bill</b> concurred in and returned to the Senate:	4/2/2007

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**HB 629**, introduced by Hamilton

**House bill** concurred in and returned to the Senate: 4/2/2007

**HB 657**, introduced by Ebinger

**House bill** concurred in and returned to the Senate: 4/2/2007

**HB 782**, introduced by Caferro

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 330**, introduced by Bergren, referred to Natural Resources and Energy.

**HB 556**, introduced by McChesney, referred to Highways and Transportation.

**HB 790**, introduced by L. Jones, referred to Business, Labor, and Economic Affairs.

**HB 9**, introduced by Kasten, referred to Finance and Claims.

**HB 12**, introduced by Callahan, referred to Finance and Claims.

**HB 69**, introduced by McNutt, referred to Business, Labor, and Economic Affairs.

**HB 95**, introduced by Olson, referred to Finance and Claims.

**HB 125**, introduced by Kasten, referred to Finance and Claims.

**HB 141**, introduced by Jacobson, referred to Business, Labor, and Economic Affairs.

**HB 160**, introduced by Stoker, referred to Finance and Claims.

**HB 222**, introduced by L. Jones, referred to Finance and Claims.

**HB 273**, introduced by Mendenhall, referred to Finance and Claims.

**HB 368**, introduced by Himmelberger, referred to Finance and Claims.

**HB 798**, introduced by Lambert, referred to Taxation.

**MOTIONS**

**SEN. KEITH BALES, SD 20, OTTER** moved to reconsider action taken on the 70th Legislative day on **SB 551** and placed on third reading this 71st Legislative day. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 22

Nays: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 26

Absent or not voting: None.

Total 0

Excused: Black, McGee.

Total 2



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**SEN. JERRY O'NEIL, SD 3, COLUMBIA FALLS** moved to reconsider action taken on the 70th Legislative day on **HB 340** and placed on third reading this 71st Legislative day. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Brown, Brueggeman, Curtiss, Essmann, Gebhardt, Jackson, Laible, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 19

Nays: Cobb, Cocchiarella, Elliott, Esp, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 29

Absent or not voting: None.  
Total 0

Excused: Black, McGee.  
Total 2

**SEN. RICK LAIBLE, SD 44, DARBY** moved to take **HB 425** out of Local Government Committee and place it on the floor in order to place an administrative amendment on it the 72nd Legislative day. Motion **carried** as follows:

Yeas: Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 39

Nays: Bales, Balyeat, Barkus, Elliott, Gallus, Gebhardt, Murphy, O'Neil, Story.  
Total 9

Absent or not voting: None.  
Total 0

Excused: Black, McGee.  
Total 2

**SEN. JIM ELLIOTT, SD 7, TROUT CREEK** moved **HB 559** be taken off second reading and re-referred to Taxation Committee due to a scheduling mistake which placed the bill in Judiciary Committee. Motion carried.

**REPORTS OF STANDING COMMITTEES**

**EDUCATION AND CULTURAL RESOURCES** (Ryan, Chairman):  
**HB 417**, be amended as follows:

4/3/2007

1. Title, line 4.

**Following:** "~~L~~AWS;"

**Insert:** "REVISING SCHOOL FINANCE LAWS; REQUIRING THAT ROYALTIES FROM MINERAL

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PRODUCTION RIGHTS PURCHASED THROUGH A LOAN FROM THE COAL SEVERANCE TAX PERMANENT FUND IN EXCESS OF THE AMOUNT NECESSARY TO REPAY THE LOAN BE TRANSFERRED FROM THE GUARANTEE ACCOUNT TO THE SCHOOL FACILITY IMPROVEMENT ACCOUNT; CREATING A SCHOOL FACILITY IMPROVEMENT ACCOUNT AND PROVIDING FOR THE USE OF MONEY IN THAT ACCOUNT;"

2. Title, line 6.

**Following:** "~~BELONGING~~,"

**Insert:** "PROVIDING AN INFLATION ADJUSTMENT TO THE BASIC AND PER-ANB ENTITLEMENTS; PROVIDING FULL-TIME ANB FUNDING TO PUBLIC SCHOOL DISTRICTS FOR STUDENTS ENROLLED FULL-TIME IN A KINDERGARTEN PROGRAM OF AT LEAST 720 HOURS; REVISING THE BASIC ENTITLEMENT FOR APPROVED AND ACCREDITED JUNIOR HIGH SCHOOLS, MIDDLE SCHOOLS, AND 7TH AND 8TH GRADE PROGRAMS TO MAINTAIN CURRENT FUNDING AMOUNTS WITH FUNDING OF FULL-TIME KINDERGARTEN; PROVIDING A MECHANISM FOR ADJUSTING THE PREVIOUS YEAR'S GENERAL FUND BUDGET TO DETERMINE THE GENERAL FUND BUDGET LIMITATION FOR THE CURRENT YEAR; INCREASING THE QUALITY EDUCATOR PAYMENT; ADDING LICENSED PSYCHOLOGISTS AND LICENSED SOCIAL WORKERS TO THE LIST OF LICENSED PROFESSIONALS WHO ARE INCLUDED IN THE CALCULATION OF THE QUALITY EDUCATOR PAYMENT; PROVIDING FOR A VOLUNTARY MENTAL HEALTH SCREENING AND REFERRAL PROGRAM TO BE ADMINISTERED BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION; PROVIDING AN APPROPRIATION FOR STARTUP FUNDS FOR KINDERGARTEN;"

**Following:** "SECTIONS"

**Insert:** "17-6-340, 20-1-301, 20-3-205,"

3. Title, line 7.

**Strike:** "AND"

**Following:** "~~20-9-311~~,"

**Insert:** "20-7-117, 20-9-306, 20-9-308, 20-9-311, 20-9-313, 20-9-314, 20-9-327, 20-9-329, 20-9-330, AND 20-9-622,"

4. Page 1, line 11.

**Insert:** "NEW SECTION. Section 1. School facility improvement account. There is a school facility improvement account in the state special revenue fund provided for in 17-2-102. The purpose of the account is to provide money to schools for:

- (1) deferred maintenance;
- (2) improving energy efficiency in school facilities; and
- (3) critical infrastructure in school districts with changing student populations."

**Insert:** "Section 2. Section 17-6-340, MCA, is amended to read:

**"17-6-340. Purchase of permanent fund mineral estate.** The department of natural resources and conservation may purchase the mineral production rights held by the public school fund established in Article X, section 2, of the Montana constitution for fair market value. If the department of natural resources and conservation purchases mineral production rights, any royalty payments received by the board that are not used to reimburse the coal severance tax trust fund for the loan used for purchasing the mineral production rights must be deposited in the guarantee account and transferred to the school facility improvement account provided for in ~~20-9-622~~ [section 1]."

**Insert:** "Section 3. Section 20-1-301, MCA, is amended to read:

**"20-1-301. School fiscal year.** (1) The school fiscal year begins on July 1 and ends on June 30. At least the minimum aggregate hours defined in subsection (2) must be conducted during each school fiscal year, except

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that 1,050 aggregate hours of pupil instruction for graduating seniors may be sufficient ~~or a minimum of 360 aggregate hours of pupil instruction must be conducted for a kindergarten program, as provided in 20-7-117.~~

(2) The minimum aggregate hours required by grade are:

(a) 360 hours for a half-time kindergarten program or 720 hours for a full-time kindergarten program, as provided in 20-7-117;

~~(a)~~(b) 720 hours for grades 1 through 3; and

~~(b)~~(c) 1,080 hours for grades 4 through 12.

(3) For any elementary or high school district that fails to provide for at least the minimum aggregate hours, as listed in subsections (1) and (2), the superintendent of public instruction shall reduce the direct state aid for the district for that school year by two times an hourly rate, as calculated by the office of public instruction, for the aggregate hours missed."

**Insert: "Section 4.** Section 20-3-205, MCA, is amended to read:

**"20-3-205. Powers and duties.** (1) The county superintendent has general supervision of the schools of the county within the limitations prescribed by this title and shall perform the following duties or acts:

(a) determine, establish, and reestablish trustee nominating districts in accordance with the provisions of 20-3-352, 20-3-353, and 20-3-354;

(b) administer and file the oaths of members of the boards of trustees of the districts in the county in accordance with the provisions of 20-3-307;

(c) register the teacher or specialist certificates or emergency authorization of employment of any person employed in the county as a teacher, specialist, principal, or district superintendent in accordance with the provisions of 20-4-202;

(d) file a copy of the audit report for a district in accordance with the provisions of 20-9-203;

(e) classify districts in accordance with the provisions of 20-6-201 and 20-6-301;

(f) keep a transcript of the district boundaries of the county;

(g) fulfill all responsibilities assigned under the provisions of this title regulating the organization, alteration, or abandonment of districts;

(h) act on any unification proposition and, if approved, establish additional trustee nominating districts in accordance with 20-6-312 and 20-6-313;

(i) estimate the average number belonging (ANB) of an opening school in accordance with the provisions of 20-6-502, 20-6-503, 20-6-504, or 20-6-506;

(j) process and, when required, act on school isolation applications in accordance with the provisions of 20-9-302;

(k) complete the budgets, compute the budgeted revenue and tax levies, file final budgets and budget amendments, and fulfill other responsibilities assigned under the provisions of this title regulating school budgeting systems;

(l) submit an annual financial report to the superintendent of public instruction in accordance with the provisions of 20-9-211;

(m) monthly, unless otherwise provided by law, order the county treasurer to apportion state money, county school money, and any other school money subject to apportionment in accordance with the provisions of 20-9-212, 20-9-347, 20-10-145, or 20-10-146;

(n) act on any request to transfer average number belonging (ANB) in accordance with the provisions of ~~20-9-313(3)~~ 20-9-313(1)(c);

(o) calculate the estimated budgeted general fund sources of revenue in accordance with the general fund revenue provisions of the general fund part of this title;

(p) compute the revenue and compute the district and county levy requirements for each fund included in each district's final budget and report the computations to the board of county commissioners in accordance with the provisions of the general fund, transportation, bonds, and other school funds parts of this title;

(q) file and forward bus driver certifications, transportation contracts, and state transportation reimbursement claims in accordance with the provisions of 20-10-103, 20-10-143, or 20-10-145;

(r) for districts that do not employ a district superintendent or principal, recommend library book and textbook selections in accordance with the provisions of 20-7-204 or 20-7-602;

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(s) notify the superintendent of public instruction of a textbook dealer's activities when required under the provisions of 20-7-605 and otherwise comply with the textbook dealer provisions of this title;

(t) act on district requests to allocate federal money for indigent children for school food services in accordance with the provisions of 20-10-205;

(u) perform any other duty prescribed from time to time by this title, any other act of the legislature, the policies of the board of public education, the policies of the board of regents relating to community college districts, or the rules of the superintendent of public instruction;

(v) administer the oath of office to trustees without the receipt of pay for administering the oath;

(w) keep a record of official acts, preserve all reports submitted to the superintendent under the provisions of this title, preserve all books and instructional equipment or supplies, keep all documents applicable to the administration of the office, and surrender all records, books, supplies, and equipment to the next superintendent;

(x) within 90 days after the close of the school fiscal year, publish an annual report in the county newspaper stating the following financial information for the school fiscal year just ended for each district of the county:

(i) the total of the cash balances of all funds maintained by the district at the beginning of the year;

(ii) the total receipts that were realized in each fund maintained by the district;

(iii) the total expenditures that were made from each fund maintained by the district; and

(iv) the total of the cash balances of all funds maintained by the district at the end of the school fiscal year; and

(y) hold meetings for the members of the trustees from time to time at which matters for the good of the districts must be discussed.

(2) (a) When a district in one county annexes a district in another county, the county superintendent of the county where the annexing district is located shall perform the duties required by this section.

(b) When two or more districts in more than one county consolidate, the duties required by this section must be performed by the county superintendent designated in the same manner as other county officials in 20-9-202."

**Renumber:** subsequent sections

5. Page 14, line 2.

**Insert: "Section 10.** Section 20-7-117, MCA, is amended to read:

**"20-7-117. Five-year-old schooling Kindergarten and preschool programs.** (1) The trustees of an elementary district shall establish or make available a kindergarten program capable of accommodating, at a minimum, all the children in the district who will be 5 years old on or before September 10 of the school year for which the program is to be conducted or who have been enrolled by special permission of the board of trustees. The kindergarten program must be an integral part of the elementary school and must be financed and governed accordingly, provided that to be eligible for inclusion in the calculation of ANB pursuant to 20-9-311, a child must have reached the age of 5 on or before September 10 of the school year covered by the calculation or have been enrolled by special permission of the board of trustees. A kindergarten program must meet the minimum aggregate hour requirements established in 20-1-301.

(2) The trustees of an elementary school district may establish and operate a free preschool program for children between the ages of 3 and 5 years. When preschool programs are established, they must be an integral part of the elementary school and must be governed accordingly. Financing of preschool programs may not be supported by money available from state equalization aid."

**Insert: "Section 11.** Section 20-9-306, MCA, is amended to read:

**"20-9-306. Definitions.** As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "BASE" means base amount for school equity.

(2) "BASE aid" means:

(a) direct state aid for 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district;

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(b) guaranteed tax base aid for an eligible district for any amount up to 35.3% of the basic entitlement, up to 35.3% of the total per-ANB entitlement budgeted in the general fund budget of a district, and 40% of the special education allowable cost payment;

(c) the total quality educator payment;

(d) the total at-risk student payment;

(e) the total Indian education for all payment; and

(f) the total American Indian achievement gap payment.

(3) "BASE budget" means the minimum general fund budget of a district, which includes 80% of the basic entitlement, 80% of the total per-ANB entitlement, 100% of the total quality educator payment, 100% of the total at-risk student payment, 100% of the total Indian education for all payment, 100% of the total American Indian achievement gap payment, and 140% of the special education allowable cost payment.

(4) "BASE budget levy" means the district levy in support of the BASE budget of a district, which may be supplemented by guaranteed tax base aid if the district is eligible under the provisions of 20-9-366 through 20-9-369.

(5) "BASE funding program" means the state program for the equitable distribution of the state's share of the cost of Montana's basic system of public elementary schools and high schools, through county equalization aid as provided in 20-9-331 and 20-9-333 and state equalization aid as provided in 20-9-343, in support of the BASE budgets of districts and special education allowable cost payments as provided in 20-9-321.

(6) "Basic entitlement" means:

(a) ~~\$230,199~~ for each high school district;

(i) \$236,552 for fiscal year 2008; and

(ii) \$243,649 for each succeeding fiscal year;

(b) ~~\$20,718~~ for each elementary school district or K-12 district elementary program without an approved and accredited junior high school or middle school;

(i) \$21,290 for fiscal year 2008; and

(ii) \$21,929 for each succeeding fiscal year; and

(c) ~~the prorated entitlement~~ for each elementary school district or K-12 district elementary program with an approved and accredited junior high school, 7th and 8th grade program, or middle school; ~~calculated as follows using either the current year ANB or the 3-year ANB provided for in 20-9-311:~~

(i) \$20,718 times the ratio of the ANB for the kindergarten through grade 6 to the total ANB of kindergarten through grade 8 elementary program;

(A) \$21,290 for fiscal year 2008; and

(B) \$21,929 for each succeeding fiscal year; plus

(ii) \$230,199 times the ratio of the ANB for grades 7 and 8 to the total ANB of kindergarten through grade 8 for an approved and accredited junior high school, 7th and 8th grade program, or middle school:

(A) \$60,275 for fiscal year 2008; and

(B) \$62,083 for each succeeding fiscal year.

(7) "Budget unit" means the unit for which the ANB of a district is calculated separately pursuant to 20-9-311.

(8) "Direct state aid" means 44.7% of the basic entitlement and 44.7% of the total per-ANB entitlement for the general fund budget of a district and funded with state and county equalization aid.

(9) "Maximum general fund budget" means a district's general fund budget amount calculated from the basic entitlement for the district, the total per-ANB entitlement for the district, the total quality educator payment, the total at-risk student payment, the total Indian education for all payment, the total American Indian achievement gap payment, and the greater of:

(a) 175% of special education allowable cost payments; or

(b) the ratio, expressed as a percentage, of the district's special education allowable cost expenditures to the district's special education allowable cost payment for the fiscal year that is 2 years previous, with a maximum allowable ratio of 200%.

(10) "Over-BASE budget levy" means the district levy in support of any general fund amount budgeted that is above the BASE budget and below the maximum general fund budget for a district.

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(11) "Total American Indian achievement gap payment" means the payment resulting from multiplying \$200 times the number of American Indian students enrolled in the district as provided in 20-9-330.

(12) "Total at-risk student payment" means the payment resulting from the distribution of any funds appropriated for the purposes of 20-9-328.

(13) "Total Indian education for all payment" means the payment resulting from multiplying \$20.40 times the ANB of the district or \$100 for each district, whichever is greater, as provided for in 20-9-329.

(14) "Total per-ANB entitlement" means the district entitlement resulting from the following calculations and using either the current year ANB or the 3-year ANB provided for in 20-9-311:

(a) for a high school district or a K-12 district high school program, a maximum rate of ~~\$5,704~~ \$5,861 for fiscal year 2008 and \$6,037 for each succeeding fiscal year for the first ANB is decreased at the rate of 50 cents per ANB for each additional ANB of the district up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB;

(b) for an elementary school district or a K-12 district elementary program without an approved and accredited junior high school or middle school, a maximum rate of ~~\$4,456~~ \$4,579 for fiscal year 2008 and \$4,716 for each succeeding fiscal year for the first ANB is decreased at the rate of 20 cents per ANB for each additional ANB of the district up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(c) for an elementary school district or a K-12 district elementary program with an approved and accredited junior high school, 7th and 8th grade program, or middle school, the sum of:

(i) a maximum rate of ~~\$4,456~~ \$4,579 for fiscal year 2008 and \$4,716 for each succeeding fiscal year for the first ANB for kindergarten through grade 6 is decreased at the rate of 20 cents per ANB for each additional ANB up through 1,000 ANB, with each ANB in excess of 1,000 receiving the same amount of entitlement as the 1,000th ANB; and

(ii) a maximum rate of ~~\$5,704~~ \$5,861 for fiscal year 2008 and \$6,037 for each succeeding fiscal year for the first ANB for grades 7 and 8 is decreased at the rate of 50 cents per ANB for each additional ANB for grades 7 and 8 up through 800 ANB, with each ANB in excess of 800 receiving the same amount of entitlement as the 800th ANB.

(15) "Total quality educator payment" means the payment resulting from multiplying ~~\$2,000~~ \$3,036 for fiscal year 2008 and \$3,042 for each succeeding fiscal year times the number of full-time equivalent educators as provided in 20-9-327."

**Insert: "Section 12.** Section 20-9-308, MCA, is amended to read:

**"20-9-308. (Temporary) BASE budgets and maximum general fund budgets.** (1) The trustees of a district shall adopt a general fund budget that is at least equal to the BASE budget established for the district and, except as provided in subsection (3), does not exceed the maximum general fund budget established for the district.

(2) Whenever the trustees of a district adopt a general fund budget that exceeds the BASE budget for the district but does not exceed the maximum general fund budget for the district, the trustees shall submit a proposition to the electors of the district, as provided in 20-9-353.

(3) (a) (i) Except as provided in subsections (3)(a)(ii) and (3)(b), the trustees of a school district whose previous year's general fund budget exceeds the current year's maximum general fund budget amount may adopt a general fund budget up to the maximum general fund budget amount or the previous year's general fund budget, whichever is greater. Except as provided in subsection (3)(b), a school district may adopt a budget under the criteria of this subsection (3)(a)(i) for a maximum of 5 consecutive years, but the trustees shall adopt a plan to reach the maximum general fund budget by no later than the end of the 5-year period.

(ii) Except as provided in subsection (3)(b), the trustees of a district whose general fund budget was above the maximum general fund budget established by Chapter 38, Special Laws of November 1993, and whose general fund budget has continued to exceed the district's maximum general fund budget in each school fiscal year after school fiscal year 1993 may continue to adopt a general fund budget that exceeds the maximum general fund budget. However, the budget adopted for the current year may not exceed the lesser of:

(A) the adopted budget for the previous year; or

(B) the district's maximum general fund budget for the current year plus the over maximum budget

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amount adopted for the previous year.

~~(b) A school district that adopted a general fund budget over its maximum general fund budget under any provision of subsection (3)(a) at any time between fiscal year 2001 and fiscal year 2005 may, for fiscal year 2006 and fiscal year 2007, adopt the greater of its maximum general fund budget or the highest actual budget adopted between fiscal year 2001 and fiscal year 2005. For the purpose of calculating the previous year's general fund budget in the initial year of implementation of a full-time kindergarten program established pursuant to 20-7-117, the trustees may add to the district's adopted general fund budget for the previous year an amount equal to one-half of the kindergarten enrollment in the previous year times the sum of the maximum per-ANB rate for an elementary ANB and the Indian education for all payment for an ANB for the previous year.~~

(c) Except as provided in 20-9-353(8), the trustees of the district shall submit a proposition to raise any general fund budget amount that is in excess of the maximum general fund budget for the district to the electors who are qualified under 20-20-301 to vote on the proposition, as provided in 20-9-353.

(4) The BASE budget for the district must be financed by the following sources of revenue:

(a) state equalization aid, as provided in 20-9-343, including any guaranteed tax base aid for which the district may be eligible, as provided in 20-9-366 through 20-9-369;

(b) county equalization aid, as provided in 20-9-331 and 20-9-333;

(c) a district levy for support of a school not approved as an isolated school under the provisions of 20-9-302;

(d) payments in support of special education programs under the provisions of 20-9-321;

(e) nonlevy revenue, as provided in 20-9-141; and

(f) a BASE budget levy on the taxable value of all property within the district.

(5) The over-BASE budget amount of a district must be financed by a levy on the taxable value of all property within the district or other revenue available to the district, as provided in 20-9-141. (Terminates June 30, 2007--sec. 3, Ch. 190, L. 2005; sec. 25(2), Ch. 462, L. 2005.)

**20-9-308. (Effective July 1, 2007) BASE budgets and maximum general fund budgets.** (1) The trustees of a district shall adopt a general fund budget that is at least equal to the BASE budget established for the district and, except as provided in subsection (3), does not exceed the maximum general fund budget established for the district.

(2) Whenever the trustees of a district adopt a general fund budget that exceeds the BASE budget for the district but does not exceed the maximum general fund budget for the district, the trustees shall submit a proposition to the electors of the district, as provided in 20-9-353.

(3) (a) (i) Except as provided in subsection (3)(a)(ii), the trustees of a school district whose previous year's general fund budget exceeds the current year's maximum general fund budget amount may adopt a general fund budget up to the maximum general fund budget amount or the previous year's general fund budget, whichever is greater. A school district may adopt a budget under the criteria of this subsection (3)(a)(i) for a maximum of 5 consecutive years, but the trustees shall adopt a plan to reach the maximum general fund budget by no later than the end of the 5-year period. A school district whose adopted general fund budget for the previous year exceeds the maximum general fund budget for the current year and whose ANB for the previous year exceeds the ANB for the current year by 30% or more shall reduce its adopted budget by:

(A) in the first year, 20% of the range between the district's adopted general fund budget for the previous school fiscal year and the maximum general fund budget for the current school fiscal year;

(B) in the second year, 25% of the range between the district's adopted general fund budget for the previous school fiscal year and the maximum general fund budget for the current school fiscal year;

(C) in the third year, 33.3% of the range between the district's adopted general fund budget for the previous school fiscal year and the maximum general fund budget for the current school fiscal year;

(D) in the fourth year, 50% of the range between the district's adopted general fund budget for the previous school fiscal year and the maximum general fund budget for the current school fiscal year; and

(E) in the fifth year, the remainder of the range between the district's adopted general fund budget for the previous school fiscal year and the maximum general fund budget for the current school fiscal year.

(ii) The trustees of a district whose general fund budget was above the maximum general fund budget established by Chapter 38, Special Laws of November 1993, and whose general fund budget has continued to

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exceed the district's maximum general fund budget in each school fiscal year after school fiscal year 1993 may continue to adopt a general fund budget that exceeds the maximum general fund budget. However, the budget adopted for the current year may not exceed the lesser of:

(A) the adopted budget for the previous year; or

(B) the district's maximum general fund budget for the current year plus the over maximum budget amount adopted for the previous year.

(b) For the purpose of calculating the previous year's general fund budget in the initial year of implementation of a full-time kindergarten program established pursuant to 20-7-117, the trustees may add to the district's adopted general fund budget for the previous year an amount equal to one-half of the kindergarten enrollment in the previous year times the sum of the maximum per-ANB rate for an elementary ANB and the Indian education for all payment for an ANB for the previous year.

~~(b)(c)~~ The trustees of the district shall submit a proposition to raise any general fund budget amount that is in excess of the maximum general fund budget for the district to the electors who are qualified under 20-20-301 to vote on the proposition, as provided in 20-9-353.

(4) The BASE budget for the district must be financed by the following sources of revenue:

(a) state equalization aid, as provided in 20-9-343, including any guaranteed tax base aid for which the district may be eligible, as provided in 20-9-366 through 20-9-369;

(b) county equalization aid, as provided in 20-9-331 and 20-9-333;

(c) a district levy for support of a school not approved as an isolated school under the provisions of 20-9-302;

(d) payments in support of special education programs under the provisions of 20-9-321;

(e) nonlevy revenue, as provided in 20-9-141; and

(f) a BASE budget levy on the taxable value of all property within the district.

(5) The over-BASE budget amount of a district must be financed by a levy on the taxable value of all property within the district or other revenue available to the district, as provided in 20-9-141."

**Insert: "Section 13.** Section 20-9-311, MCA, is amended to read:

**"20-9-311. (Temporary) Calculation of average number belonging (ANB) -- three-year averaging.**

(1) Average number belonging (ANB) must be computed for each budget unit as follows:

(a) compute an average enrollment by adding a count of regularly enrolled full-time pupils who were enrolled as of the first Monday in October of the prior school fiscal year to a count of regularly enrolled pupils on February 1 of the prior school fiscal year, or the next school day if those dates do not fall on a school day, and divide the sum by two; and

(b) multiply the average enrollment calculated in subsection (1)(a) by the sum of 180 and the approved pupil-instruction-related days for the current school fiscal year and divide by 180.

(2) For the purpose of calculating ANB under subsection (1), up to 7 approved pupil-instruction-related days may be included in the calculation.

(3) When a school district has approval to operate less than the minimum aggregate hours under 20-9-806, the total ANB must be calculated in accordance with the provisions of 20-9-805.

(4) (a) ~~Except as provided in subsection (5), for~~ For the purpose of calculating ANB, enrollment in an education program:

(i) from ~~181~~ 180 to 359 aggregate hours of pupil instruction per school year is counted as one-quarter-time enrollment;

(ii) from 360 to 539 aggregate hours of pupil instruction per school year is counted as half-time enrollment;

(iii) from 540 to 719 aggregate hours of pupil instruction per school year is counted as three-quarter-time enrollment; and

(iv) 720 or more aggregate hours of pupil instruction per school year is counted as full-time enrollment.

(b) Enrollment in a program intended to provide fewer than 180 aggregate hours of pupil instruction per school year may not be included for purposes of ANB.

(c) Enrollment in a self-paced program or course may be converted to an hourly equivalent based on the hours necessary and appropriate to provide the course within a regular classroom schedule.



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(d) A pupil in ~~grades 1~~ kindergarten through grade 12 who is concurrently enrolled in more than one public school, program, or district may not be counted as more than one full-time pupil for ANB purposes.

(5) ~~In calculating the ANB for pupils enrolled in a program established under 20-7-117(1), enrollment in a program that provides 360 or more aggregate hours of pupil instruction per school year must be counted as one-half pupil for ANB purposes.~~ For a district that is transitioning from a half-time to a full-time kindergarten program, the superintendent of public instruction shall count kindergarten enrollment in the previous year as full-time enrollment for the purpose of calculating ANB for the elementary programs offering full-time kindergarten in the current year. The superintendent of public instruction shall add the additional ANB to the ANB used to calculate the budget in subsection (12).

(6) When a pupil has been absent, with or without excuse, for more than 10 consecutive school days, the pupil may not be included in the enrollment count used in the calculation of the ANB unless the pupil resumes attendance prior to the day of the enrollment count.

(7) The enrollment of prekindergarten pupils, as provided in 20-7-117, may not be included in the ANB calculations.

(8) The average number belonging of the regularly enrolled, full-time pupils for the public schools of a district must be based on the aggregate of all the regularly enrolled, full-time pupils attending the schools of the district, except that the ANB is calculated as a separate budget unit when:

(a) (i) a school of the district is located more than 20 miles beyond the incorporated limits of a city or town located in the district and at least 20 miles from any other school of the district, the number of regularly enrolled, full-time pupils of the school must be calculated as a separate budget unit for ANB purposes and the district must receive a basic entitlement for the school calculated separately from the other schools of the district;

(ii) a school of the district is located more than 20 miles from any other school of the district and incorporated territory is not involved in the district, the number of regularly enrolled, full-time pupils of the school must be calculated separately for ANB purposes and the district must receive a basic entitlement for the school calculated separately from the other schools of the district;

(iii) the superintendent of public instruction approves an application not to aggregate when conditions exist affecting transportation, such as poor roads, mountains, rivers, or other obstacles to travel, or when any other condition exists that would result in an unusual hardship to the pupils of the school if they were transported to another school, the number of regularly enrolled, full-time pupils of the school must be calculated separately for ANB purposes and the district must receive a basic entitlement for the school calculated separately from the other schools of the district; or

(iv) two or more districts consolidate or annex under the provisions of 20-6-422 or 20-6-423, the ANB and the basic entitlements of the component districts must be calculated separately for a period of 3 years following the consolidation or annexation. Each district shall retain a percentage of its basic entitlement for 3 additional years as follows:

(A) 75% of the basic entitlement for the fourth year;

(B) 50% of the basic entitlement for the fifth year; and

(C) 25% of the basic entitlement for the sixth year.

(b) a junior high school has been approved and accredited as a junior high school, all of the regularly enrolled, full-time pupils of the junior high school must be considered as high school district pupils for ANB purposes;

(c) a middle school has been approved and accredited, all pupils below the 7th grade must be considered elementary school pupils for ANB purposes and the 7th and 8th grade pupils must be considered high school pupils for ANB purposes; or

(d) a school has not been accredited by the board of public education, the regularly enrolled, full-time pupils attending the nonaccredited school are not eligible for average number belonging calculation purposes, nor will an average number belonging for the nonaccredited school be used in determining the BASE funding program for the district.

(9) The district shall provide the superintendent of public instruction with semiannual reports of school attendance, absence, and enrollment for regularly enrolled students, using a format determined by the superintendent.

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(10) (a) Except as provided in subsections (10)(b) and (10)(c), enrollment in a basic education program provided by the district through any combination of onsite or offsite instruction may be included for ANB purposes only if the pupil is offered access to the complete range of educational services for the basic education program required by the accreditation standards adopted by the board of public education.

(b) Access to school programs and services for a student placed by the trustees in a private program for special education may be limited to the programs and services specified in an approved individual education plan supervised by the district.

(c) Access to school programs and services for a student who is incarcerated in a facility, other than a youth detention center, may be limited to the programs and services provided by the district at district expense under an agreement with the incarcerating facility.

(d) This subsection (10) may not be construed to require a school district to offer access to activities governed by an organization having jurisdiction over interscholastic activities, contests, and tournaments to a pupil who is not otherwise eligible under the rules of the organization.

(11) A district may include only, for ANB purposes, an enrolled pupil who is otherwise eligible under this title and who is:

(a) a resident of the district or a nonresident student admitted by trustees under a student attendance agreement and who is attending a school of the district;

(b) unable to attend school due to a medical reason certified by a medical doctor and receiving individualized educational services supervised by the district, at district expense, at a home or facility that does not offer an educational program;

(c) unable to attend school due to the student's incarceration in a facility, other than a youth detention center, and who is receiving individualized educational services supervised by the district, at district expense, at a home or facility that does not offer an educational program;

(d) receiving special education and related services, other than day treatment, under a placement by the trustees at a private nonsectarian school or private program if the pupil's services are provided at the district's expense under an approved individual education plan supervised by the district;

(e) participating in the running start program at district expense under 20-9-706;

(f) receiving educational services, provided by the district, using appropriately licensed district staff at a private residential program or private residential facility licensed by the department of public health and human services;

(g) enrolled in an educational program or course provided at district expense using electronic or offsite delivery methods, including but not limited to tutoring, distance learning programs, online programs, and technology delivered learning programs, while attending a school of the district or any other nonsectarian offsite instructional setting with the approval of the trustees of the district. The pupil shall:

(i) meet the residency requirements for that district as provided in 1-1-215;

(ii) live in the district and must be eligible for educational services under the Individuals With Disabilities Education Act or under 29 U.S.C. 794; or

(iii) attend school in the district under a mandatory attendance agreement as provided in 20-5-321.

(h) a resident of the district attending a Montana job corps program under an interlocal agreement with the district under 20-9-707.

(12) (a) For an elementary or high school district that has been in existence for 3 years or more, the district's maximum general fund budget and BASE budget for the ensuing school fiscal year must be calculated using the current year ANB for all budget units or the 3-year average ANB for all budget units, whichever generates the greatest maximum general fund budget.

(b) For a K-12 district that has been in existence for 3 years or more, the district's maximum general fund budget and BASE budget for the ensuing school fiscal year must be calculated separately for the elementary and high school programs pursuant to subsection (12)(a) and then combined.

(13) The term "3-year ANB" means an average ANB over the most recent 3-year period, calculated by:

(a) adding the ANB for the budget unit for the ensuing school fiscal year to the ANB for each of the previous 2 school fiscal years; and

(b) dividing the sum calculated under subsection (13)(a) by three. (Terminates June 30, 2007--sec. 25(2),

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Ch. 462, L. 2005.)

**20-9-311. (Effective July 1, 2007) Calculation of average number belonging (ANB) -- three-year averaging.** (1) Average number belonging (ANB) must be computed as follows:

(a) compute an average enrollment by adding a count of regularly enrolled full-time pupils who were enrolled as of the first Monday in October of the prior school fiscal year to a count of regularly enrolled pupils on February 1 of the prior school fiscal year, or the next school day if those dates do not fall on a school day, and divide the sum by two; and

(b) multiply the average enrollment calculated in subsection (1)(a) by the sum of 180 and the approved pupil-instruction-related days for the current school fiscal year and divide by 180.

(2) For the purpose of calculating ANB under subsection (1), up to 7 approved pupil-instruction-related days may be included in the calculation.

(3) When a school district has approval to operate less than the minimum aggregate hours under 20-9-806, the total ANB must be calculated in accordance with the provisions of 20-9-805.

(4) (a) ~~Except as provided in subsection (5), for~~ For the purpose of calculating ANB, enrollment in an education program:

(i) from ~~181~~ 180 to 359 aggregate hours of pupil instruction per school year is counted as one-quarter-time enrollment;

(ii) from 360 to 539 aggregate hours of pupil instruction per school year is counted as half-time enrollment;

(iii) from 540 to 719 aggregate hours of pupil instruction per school year is counted as three-quarter-time enrollment; and

(iv) 720 or more aggregate hours of pupil instruction per school year is counted as full-time enrollment.

(b) Enrollment in a program intended to provide fewer than 180 aggregate hours of pupil instruction per school year may not be included for purposes of ANB.

(c) Enrollment in a self-paced program or course may be converted to an hourly equivalent based on the hours necessary and appropriate to provide the course within a regular classroom schedule.

(d) A pupil in grades 1 through 12 who is concurrently enrolled in more than one public school, program, or district may not be counted as more than one full-time pupil for ANB purposes.

(5) ~~In calculating the ANB for pupils enrolled in a program established under 20-7-117(1), enrollment in a program that provides 360 or more aggregate hours of pupil instruction per school year must be counted as one-half pupil for ANB purposes. For a district that is transitioning from a half-time to a full-time kindergarten program, the superintendent of public instruction shall count kindergarten enrollment in the previous year as full-time enrollment for the purpose of calculating ANB for the elementary programs offering full-time kindergarten in the current year. The superintendent of public instruction shall add the additional ANB to the ANB used to calculate the budget in subsection (12).~~

(6) When a pupil has been absent, with or without excuse, for more than 10 consecutive school days, the pupil may not be included in the enrollment count used in the calculation of the ANB unless the pupil resumes attendance prior to the day of the enrollment count.

(7) The enrollment of prekindergarten pupils, as provided in 20-7-117, may not be included in the ANB calculations.

(8) The average number belonging of the regularly enrolled, full-time pupils for the public schools of a district must be based on the aggregate of all the regularly enrolled, full-time pupils attending the schools of the district, except that when:

(a) (i) a school of the district is located more than 20 miles beyond the incorporated limits of a city or town located in the district and at least 20 miles from any other school of the district, the number of regularly enrolled, full-time pupils of the school must be calculated separately for ANB purposes and the district must receive a basic entitlement for the school calculated separately from the other schools of the district;

(ii) a school of the district is located more than 20 miles from any other school of the district and incorporated territory is not involved in the district, the number of regularly enrolled, full-time pupils of the school must be calculated separately for ANB purposes and the district must receive a basic entitlement for the school calculated separately from the other schools of the district;

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(iii) the superintendent of public instruction approves an application not to aggregate when conditions exist affecting transportation, such as poor roads, mountains, rivers, or other obstacles to travel, or when any other condition exists that would result in an unusual hardship to the pupils of the school if they were transported to another school, the number of regularly enrolled, full-time pupils of the school must be calculated separately for ANB purposes and the district must receive a basic entitlement for the school calculated separately from the other schools of the district; or

(iv) two or more districts consolidate or annex under the provisions of 20-6-422 or 20-6-423, the ANB and the basic entitlements of the component districts must be calculated separately for a period of 3 years following the consolidation or annexation. Each district shall retain a percentage of its basic entitlement for 3 additional years as follows:

- (A) 75% of the basic entitlement for the fourth year;
- (B) 50% of the basic entitlement for the fifth year; and
- (C) 25% of the basic entitlement for the sixth year.

(b) a junior high school has been approved and accredited as a junior high school, all of the regularly enrolled, full-time pupils of the junior high school must be considered as high school district pupils for ANB purposes;

(c) a middle school has been approved and accredited, all pupils below the 7th grade must be considered elementary school pupils for ANB purposes and the 7th and 8th grade pupils must be considered high school pupils for ANB purposes; or

(d) a school has not been accredited by the board of public education, the regularly enrolled, full-time pupils attending the nonaccredited school are not eligible for average number belonging calculation purposes, nor will an average number belonging for the nonaccredited school be used in determining the BASE funding program for the district.

(9) The district shall provide the superintendent of public instruction with semiannual reports of school attendance, absence, and enrollment for regularly enrolled students, using a format determined by the superintendent.

(10) (a) Except as provided in subsections (10)(b) and (10)(c), enrollment in a basic education program provided by the district through any combination of onsite or offsite instruction may be included for ANB purposes only if the pupil is offered access to the complete range of educational services for the basic education program required by the accreditation standards adopted by the board of public education.

(b) Access to school programs and services for a student placed by the trustees in a private program for special education may be limited to the programs and services specified in an approved individual education plan supervised by the district.

(c) Access to school programs and services for a student who is incarcerated in a facility, other than a youth detention center, may be limited to the programs and services provided by the district at district expense under an agreement with the incarcerating facility.

(d) This subsection (10) may not be construed to require a school district to offer access to activities governed by an organization having jurisdiction over interscholastic activities, contests, and tournaments to a pupil who is not otherwise eligible under the rules of the organization.

(11) A district may include only, for ANB purposes, an enrolled pupil who is otherwise eligible under this title and who is:

(a) a resident of the district or a nonresident student admitted by trustees under a student attendance agreement and who is attending a school of the district;

(b) unable to attend school due to a medical reason certified by a medical doctor and receiving individualized educational services supervised by the district, at district expense, at a home or facility that does not offer an educational program;

(c) unable to attend school due to the student's incarceration in a facility, other than a youth detention center, and who is receiving individualized educational services supervised by the district, at district expense, at a home or facility that does not offer an educational program;

(d) receiving special education and related services, other than day treatment, under a placement by the trustees at a private nonsectarian school or private program if the pupil's services are provided at the district's

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expense under an approved individual education plan supervised by the district;

(e) participating in the running start program at district expense under 20-9-706;

(f) receiving educational services, provided by the district, using appropriately licensed district staff at a private residential program or private residential facility licensed by the department of public health and human services;

(g) enrolled in an educational program or course provided at district expense using electronic or offsite delivery methods, including but not limited to tutoring, distance learning programs, online programs, and technology delivered learning programs, while attending a school of the district or any other nonsectarian offsite instructional setting with the approval of the trustees of the district. The pupil shall:

(i) meet the residency requirements for that district as provided in 1-1-215;

(ii) live in the district and must be eligible for educational services under the Individuals With Disabilities Education Act or under 29 U.S.C. 794; or

(iii) attend school in the district under a mandatory attendance agreement as provided in 20-5-321.

(h) a resident of the district attending a Montana job corps program under an interlocal agreement with the district under 20-9-707.

(12) (a) For an elementary or high school district that has been in existence for 3 years or more, the district's maximum general fund budget and BASE budget for the ensuing school fiscal year must be calculated using the current year ANB for all budget units or the 3-year average ANB for all budget units, whichever generates the greatest maximum general fund budget.

(b) For a K-12 district that has been in existence for 3 years or more, the district's maximum general fund budget and BASE budget for the ensuing school fiscal year must be calculated separately for the elementary and high school programs pursuant to subsection (12)(a) and then combined.

(13) The term "3-year ANB" means an average ANB over the most recent 3-year period, calculated by:

(a) adding the ANB for the budget unit for the ensuing school fiscal year to the ANB for each of the previous 2 school fiscal years; and

(b) dividing the sum calculated under subsection (13)(a) by three."

**Insert: "Section 14.** Section 20-9-313, MCA, is amended to read:

**"20-9-313. Circumstances under which regular average number belonging may be increased. (1)**

The average number belonging of a school, calculated in accordance with the ANB formula prescribed in 20-9-311, may be increased when:

~~(1)(a)~~ (a) the opening of a new elementary school or the reopening of an elementary school has been approved in accordance with 20-6-502. The average number belonging for the school must be established by the county superintendent and approved, disapproved, or adjusted by the superintendent of public instruction.

~~(2)(b)~~ (b) the opening or reopening of a high school or a branch of the county high school has been approved in accordance with 20-6-503, 20-6-504, or 20-6-505. The average number belonging for the high school must be established by the county superintendent's estimate, after an investigation of the probable number of pupils that will attend the high school.

~~(3)(c)~~ (c) a district anticipates an increase in the average number belonging due to the closing of a private or public school in the district or a neighboring district. The estimated increase in average number belonging must be established by the trustees and the county superintendent and approved, disapproved, or adjusted by the superintendent of public instruction no later than the fourth Monday in June.

~~(4)(d)~~ (d) a district anticipates an unusual enrollment increase in the ensuing school fiscal year. The increase in average number belonging must be based on estimates of increased enrollment approved by the superintendent of public instruction and must be computed in the manner prescribed by 20-9-314.

~~(5)(e)~~ (e) for the initial year of operation of a kindergarten program established under 20-7-117(1), the ANB to be used for budget purposes is the same as:

(i) one-half the number of 5-year-old children residing in the district as of September 10 of the preceding school year, either as shown on the official school census or as determined by some other procedure approved by the superintendent of public instruction, for the purpose of implementing a half-time kindergarten program as provided in 20-1-301; or

(ii) the number of 5-year-old children residing in the district as of September 10 of the preceding school

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year, either as shown on the official school census or as determined by some other procedure approved by the superintendent of public instruction, for the purpose of implementing a full-time kindergarten program as provided in 20-1-301; or

~~(6)(f)~~ a high school district provides early graduation for a student who completes graduation requirements in less than eight semesters or the equivalent amount of secondary school enrollment. The increase must be established by the trustees as though the student had attended to the end of the school fiscal year and must be approved, disapproved, or adjusted by the superintendent of public instruction.

(2) This section does not apply to the expansion of a half-time kindergarten program to a full-time kindergarten program."

**Insert: "Section 15.** Section 20-9-314, MCA, is amended to read:

**"20-9-314. (Temporary) Procedures for determining eligibility and amount of increased average number belonging due to unusual enrollment increase.** A district that anticipates an unusual increase in enrollment in the ensuing school fiscal year, as provided for in ~~20-9-313(4)~~ 20-9-313(1)(d), may increase its basic entitlement and total per-ANB entitlement for the ensuing school fiscal year in accordance with the following provisions:

(1) Prior to June 1, the district shall estimate the elementary or high school enrollment to be realized during the ensuing school fiscal year, based on as much factual information as may be available to the district.

(2) No later than June 1, the district shall submit its application for an unusual enrollment increase by elementary or high school level to the superintendent of public instruction. The application must include:

(a) the enrollment for the current school fiscal year;

(b) the average number belonging used to calculate the basic entitlement and total per-ANB entitlement for the current school fiscal year;

(c) the average number belonging that will be used to calculate the basic entitlement and total per-ANB entitlement for the ensuing school fiscal year;

(d) the estimated enrollment, including the factual information on which the estimate is based, as provided in subsection (1); and

(e) any other information or data that may be requested by the superintendent of public instruction.

(3) The superintendent of public instruction shall immediately review all the factors of the application and shall approve or disapprove the application or adjust the estimated average number belonging for the ensuing ANB calculation period. After approving an estimate, with or without adjustment, the superintendent of public instruction shall:

(a) determine the percentage by which the estimated enrollment exceeds the enrollment used for the budgeted ANB; and

(b) approve an increase of the average number belonging used to establish the ensuing year's basic entitlement and total per-ANB entitlement in accordance with subsection (5) if the increase in subsection (3)(a) is greater than 6%.

(4) The superintendent of public instruction shall notify the district of the decision by the fourth Monday in June.

(5) Whenever an unusual enrollment increase is approved by the superintendent of public instruction, the increase of the average number belonging used to establish the basic entitlement and total per-ANB entitlement for the ensuing ANB calculation period is determined using the difference between the enrollment for the ensuing school fiscal year and 106% of the enrollment used to calculate the budgeted ANB. The amount determined is the maximum allowable increase added to the average number belonging for the purpose of establishing the ensuing year's basic entitlement and total per-ANB entitlement.

(6) (a) Any entitlement increases resulting from provisions of this section must be reviewed at the end of the ensuing school fiscal year.

(b) If the actual enrollment is less than the enrollment used to determine budgeted ANB, the superintendent of public instruction shall revise the total per-ANB entitlement and basic entitlement calculations, as provided in subsection (5), using the actual enrollment in place of the estimated enrollment.

(c) All total per-ANB entitlements received by the district in excess of the revised entitlements are overpayments subject to the refund provisions of 20-9-344(4). (Terminates June 30, 2007--sec. 25(2), Ch. 462, L.

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2005.)

**20-9-314. (Effective July 1, 2007) Procedures for determining eligibility and amount of increased average number belonging due to unusual enrollment increase.** A district that anticipates an unusual increase in enrollment in the ensuing school fiscal year, as provided for in ~~20-9-313(4)~~ 20-9-313(1)(d), may increase its basic entitlement and total per-ANB entitlement for the ensuing school fiscal year in accordance with the following provisions:

(1) Prior to June 1, the district shall estimate the elementary or high school enrollment to be realized during the ensuing school fiscal year, based on as much factual information as may be available to the district.

(2) No later than June 1, the district shall submit its application for an unusual enrollment increase by elementary or high school level to the superintendent of public instruction. The application must include:

(a) the enrollment for the current school fiscal year;

(b) the average number belonging used to calculate the basic entitlement and total per-ANB entitlement for the current school fiscal year;

(c) the average number belonging that will be used to calculate the basic entitlement and total per-ANB entitlement for the ensuing school fiscal year;

(d) the estimated enrollment, including the factual information on which the estimate is based, as provided in subsection (1); and

(e) any other information or data that may be requested by the superintendent of public instruction.

(3) The superintendent of public instruction shall immediately review all the factors of the application and shall approve or disapprove the application or adjust the estimated average number belonging for the ensuing ANB calculation period. After approving an estimate, with or without adjustment, the superintendent of public instruction shall:

(a) determine the percentage increase by which the estimated enrollment increase exceeds the current enrollment; and

(b) approve an increase of the average number belonging used to establish the ensuing year's basic entitlement and total per-ANB entitlement in accordance with subsection (5) if the increase in subsection (3)(a) is at least 6%.

(4) The superintendent of public instruction shall notify the district of the decision by the fourth Monday in June.

(5) Whenever an unusual enrollment increase is approved by the superintendent of public instruction, the increase of the average number belonging used to establish the basic entitlement and total per-ANB entitlement for the ensuing ANB calculation period is the difference between the enrollment for the ensuing school fiscal year and 106% of the current enrollment. The amount determined is the maximum allowable increase added to the average number belonging for the purpose of establishing the ensuing year's basic entitlement and total per-ANB entitlement.

(6) Any entitlement increases resulting from provisions of this section must be reviewed at the end of the ensuing school fiscal year. If the actual enrollment is less than the average number belonging used for BASE funding program and entitlement calculations, the superintendent of public instruction shall revise the total per-ANB entitlement and basic entitlement calculations using the actual average number belonging. All total per-ANB entitlements received by the district in excess of the revised entitlements are overpayments subject to the refund provisions of 20-9-344(4)."

**Insert: "Section 16.** Section 20-9-327, MCA, is amended to read:

**"20-9-327. Quality educator payment.** (1) (a) The state shall provide a quality educator payment to:

(i) public school districts, as defined in 20-6-101 and 20-6-701;

(ii) special education cooperatives, as described in 20-7-451;

(iii) the Montana school for the deaf and blind, as described in 20-8-101; and

(iv) state youth correctional facilities, as defined in 41-5-103.

(b) A special education cooperative that has not met the requirements of 20-7-453 and 20-7-454 may not be funded under the provisions of this section except by approval of the superintendent of public instruction.

(2) (a) The quality educator payment for special education cooperatives must be distributed directly to those entities by the superintendent of public instruction.

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(b) The quality educator payment for the Montana school for the deaf and blind must be distributed to the Montana school for the deaf and blind.

(c) The quality educator payment for Pine Hills and Riverside youth correctional facilities must be distributed to those facilities by the department of corrections.

(3) The quality educator payment is ~~\$2,000 times~~ calculated as provided in 20-9-306, using the number of full-time equivalent educators, as reported to the superintendent of public instruction for accreditation purposes in the previous school year, each of whom:

(a) holds a valid certificate under the provisions of 20-4-106 and is employed by an entity listed in subsection (1) in a position that requires an educator license in accordance with the administrative rules adopted by the board of public education; or

(b) (i) is a licensed professional under 37-8-405, 37-8-415, 37-11-301, 37-15-301, 37-17-302, 37-22-301, 37-23-201, 37-24-301, or 37-25-302; and

(ii) is employed by an entity listed in subsection (1) to provide services to students."

**Insert: "Section 17.** Section 20-9-329, MCA, is amended to read:

**"20-9-329. Indian education for all payment.** (1) The state shall provide an Indian education for all payment to public school districts, as defined in 20-6-101 and 20-6-701, to implement the provisions of Article X, section 1(2), of the Montana constitution and Title 20, chapter 1, part 5.

(2) The Indian education for all payment is ~~the greater of \$100 for each district or \$20.40 for each ANB,~~ calculated as provided in ~~20-9-311, for each fiscal year~~ 20-9-306.

(3) The district shall deposit the payment in the general fund of the district."

**Insert: "Section 18.** Section 20-9-330, MCA, is amended to read:

**"20-9-330. American Indian achievement gap payment.** (1) The state shall provide an American Indian achievement gap payment to public school districts, as defined in 20-6-101 and 20-6-701, for the purpose of closing the educational achievement gap that exists between American Indian students and non-Indian students.

(2) (a) The American Indian achievement gap payment is ~~\$200 for each~~ calculated as provided in 20-9-306, using the number of American Indian ~~student~~ students enrolled in the district based on the count of regularly enrolled students on the first Monday in October of the prior school year as reported to the office of public instruction.

(b) A school district may not require a student to disclose the student's race.

(3) The district shall deposit the payment in the general fund of the district.

(4) On or before September 15, 2010, the office of public instruction shall report to the governor and the legislature on the change in status of standardized test scores, graduation rates, and drop-out rates of American Indian students using fiscal year 2006 data as a baseline."

**Insert: "Section 19.** Section 20-9-622, MCA, is amended to read:

**"20-9-622. Guarantee account.** (1) There is a guarantee account in the state special revenue fund. The guarantee account is intended to:

(a) stabilize the long-term growth of the permanent fund; and

(b) maintain a constant and increasing distributable revenue stream. All realized capital gains and all distributable revenue must be deposited in the guarantee account. Except as provided in subsections (2) and (3), the guarantee account is statutorily appropriated, as provided in 17-7-502, for distribution to school districts through school equalization aid as provided in 20-9-343.

(2) As long as a portion of the coal severance tax loan authorized in section 8, Chapter 418, Laws of 2001, is outstanding, the department of natural resources and conservation shall monthly transfer from the guarantee account to the general fund an amount that represents the amount of interest income that would be earned from the investment of the amount of the loan that is currently outstanding. When the loan is fully paid, all mineral royalties deposited in the guarantee account must be transferred to the school facility improvement account pursuant to 17-6-340.

(3) The revenue distributed through 20-9-534 must be used for the purposes of 20-9-533."

**Insert: "NEW SECTION. Section 20. Voluntary mental health screening and referral program.** There is a voluntary mental health screening and referral program. The superintendent of public instruction shall:

(1) develop, administer, and supervise a voluntary program of mental health screening and referral for



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students, including voluntary training for school administrators and licensed and support staff;

(2) establish procedures to allow schools to volunteer to participate in a program of mental health screening and referral for students;

(3) establish the position of coordinator of volunteer school-based mental health screening and referral in the office of the superintendent of public instruction;

(4) establish procedures to assist a child and the child's family in volunteering for and obtaining necessary services relating to mental health screening and referral and the treatment of social, emotional, and mental health issues; and

(5) assist school districts with the voluntary conduct of mental health screening and referral for students."

**Insert:** "NEW SECTION. Section 21. Appropriation for kindergarten startup. There is appropriated \$10 million from the general fund to the office of public instruction to be distributed based on the kindergarten enrollment in school fiscal year 2007 to all school districts with an elementary program for startup costs for kindergarten. The appropriation is for the 2009 biennium and is a one-time-only appropriation. The school district shall deposit the money in the miscellaneous programs fund."

**Insert:** "NEW SECTION. Section 22. Codification instruction. (1) [Section 1] is intended to be codified as an integral part of Title 20, chapter 9, and the provisions of Title 20, chapter 9, apply to [section 1].

(2) [Section 20] is intended to be codified as an integral part of Title 20, chapter 7, and the provisions of Title 20, chapter 7, apply to [section 20]."

**Renumber:** subsequent section

And, as amended, be concurred in. Report adopted.

**FINANCE AND CLAIMS** (Schmidt, Chairman):

4/3/2007

**HB 19**, be concurred in. Report adopted.

**HB 139**, be amended as follows:

1. Title, page 1, line 6 through line 7.

**Following:** "ACCOUNT;" on line 6

**Strike:** remainder of line 6 through "FUNDS;" on line 7

2. Title, page 1, line 8.

**Strike:** "SECTIONS 17-7-304 AND"

**Insert:** "SECTION"

3. Title, page 1, line 8 through line 9.

**Following:** "DATE" on line 8

**Strike:** remainder of line 8 through "DATE" on line 9

4. Page 1, line 26 through page 3, line 4.

**Strike:** section 2 in its entirety

**Renumber:** subsequent sections

5. Page 4, line 9.

**Strike:** "\$300,000"

**Insert:** "\$400,000"

6. Page 4, line 15 through line 16.

**Strike:** section 6 in its entirety

**Renumber:** subsequent section

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7. Page 4, line 20 through line 21.

**Strike:** section 8 in its entirety

And, as amended, be concurred in. Report adopted.

**HB 522**, be concurred in. Report adopted.

**HB 540**, be concurred in. Report adopted.

**HB 565**, be concurred in. Report adopted.

**HB 634**, be concurred in. Report adopted.

**FISH AND GAME** (Tropila, Chairman):

4/3/2007

**HB 439**, be amended as follows:

1. Page 1, line 10.

**Following:** "fish pond"

**Insert:** "within the boundaries of the eastern Montana fishing district, as established by commission regulations,"

**Following:** "and"

**Insert:** "who"

2. Page 1, line 20.

**Following:** "fish pond"

**Insert:** "within the boundaries of the eastern Montana fishing district, as established by commission regulations,"

**Following:** "and"

**Insert:** "who"

And, as amended, be concurred in. Report adopted.

**NATURAL RESOURCES AND ENERGY** (Lind, Chairman):

4/3/2007

**HB 533**, be amended as follows:

1. Page 2, line 4.

**Strike:** "16%"

**Insert:** "3.5%"

2. Page 3, line 14.

**Strike:** "16%"

**Insert:** "3.5%"

And, as amended, be concurred in. Report adopted.

**HB 688**, be concurred in. Report adopted.

**STATE ADMINISTRATION** (Squires, Chairman):

4/3/2007

**SR 8**, be adopted. Report adopted.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

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Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Gallus in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 650** - Senator Barkus moved consideration of **HB 650** be passed for the day. Motion carried.

**HJR 39** - Senator Cocchiarella moved **HJR 39** be concurred in. Motion carried with Senator Shockley, Esp. O'Neil voting nay.

**HB 283** - Senator Brueggeman moved **HB 283** be concurred in. Motion carried with Senator Balyeat, Jackson, O'Neil voting nay.

**HB 608** - Senator Lewis moved **HB 608** be concurred in. Motion carried with Senator Balyeat, O'Neil voting nay.

**HB 811** - Senator Hawks moved **HB 811** be concurred in. Motion carried with Senator Barkus voting nay.

**HB 136** - Senator Williams moved consideration of **HB 136** be passed for the day. Motion carried.

**HB 272** - Senator O'Neil moved **HB 272** be concurred in. Motion carried unanimously.

**HB 287** - Senator Larson moved **HB 287** be concurred in. Motion carried unanimously.

**HB 299** - Senator Perry moved **HB 299** be concurred in. Motion carried unanimously.

**HB 435** - Senator Laslovich moved **HB 435** be concurred in. Motion carried with Senator Gebhardt, O'Neil voting nay.

**HB 464** - Senator Jent moved **HB 464** be concurred in. Motion failed as follows:

Yeas: Cobb, Elliott, Gallus, Harrington, Hawks, Jent, Juneau, Kaufmann, Larson, Laslovich, Moss, O'Neil, Ryan, Schmidt, Shockley, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 22

Nays: Bales, Balyeat, Barkus, Brown, Brueggeman, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Gillan, Hansen, Jackson, Kitzenberg, Laible, Lewis, Lind, Murphy, Pease, Perry, Peterson, Smith, Stapleton, Steinbeisser, Story, Tash.  
Total 26

Absent or not voting: None.  
Total 0

Excused: Black, McGee.  
Total 2

**HB 464** - Senator Gebhardt moved **HB 464** be **indefinitely postponed**. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Brown, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Hansen, Jackson, Kitzenberg, Laible, Lewis, Murphy, Pease, Perry, Peterson, Ryan, Smith, Stapleton, Steinbeisser, Story, Tash.

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Total 24

Nays: Brueggeman, Cobb, Elliott, Gallus, Gillan, Harrington, Hawks, Jent, Juneau, Kaufmann, Larson, Laslovich, Lind, Moss, O'Neil, Schmidt, Shockley, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 24

Absent or not voting: None.

Total 0

Excused: Black, McGee.

Total 2

**HB 468** - Senator Lind moved **HB 468** be concurred in. Motion carried with Senator O'Neil, Gillan, Gebhardt, Hansen voting nay.

**HB 781** - Senator Juneau moved **HB 781** be concurred in. Motion carried as follows:

Yeas: Brown, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Murphy, O'Neil, Pease, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 32

Nays: Bales, Balyeat, Barkus, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, Perry, Peterson, Steinbeisser, Story, Tash.

Total 16

Absent or not voting: None.

Total 0

Excused: Black, McGee.

Total 2

**HB 24** - Senator Lind moved **HB 24** be concurred in. Motion carried with Senator Steinbeisser, Jackson, M. Tropila, Esp, Story voting nay.

**HB 291** - Senator Story moved **HB 291** be concurred in. Motion carried unanimously.

**HB 460** - Senator Lind moved **HB 460** be concurred in. Motion carried unanimously.

**HB 681** - Senator Kaufmann moved **HB 681** be concurred in. Motion carried unanimously.

**HB 715** - Senator Perry moved **HB 715** be concurred in. Motion carried unanimously.

**HJR 42** - Senator Cooney moved **HJR 42** be concurred in. Motion carried unanimously.

**HJR 44** - Senator Moss moved **HJR 44** be concurred in. Motion carried with Senator O'Neil, Esp, Jackson voting nay.

**HB 687** - Senator Moss moved **HB 687** be concurred in. Motion carried as follows:

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Yeas: Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Ryan, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 29

Nays: Bales, Balyeat, Barkus, Brown, Curtiss, Esp, Essmann, Gebhardt, Jackson, Murphy, O'Neil, Perry, Peterson, Schmidt, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 19

Absent or not voting: None.  
Total 0

Excused: Black, McGee.  
Total 2

Senator Williams moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Cocchiarella moved the Committee of the Whole report be adopted. Report adopted unanimously.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 567** passed as follows:

Yeas: Cobb, Cocchiarella, Curtiss, Essmann, Gallus, Gebhardt, Gillan, Harrington, Hawks, Jent, Juneau, Kaufmann, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 30

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Elliott, Esp, Hansen, Jackson, Kitzenberg, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Tash.  
Total 20

Paired: Harrington, Kaufmann, Ayes; Black, McGee, Noes.

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 105** passed as follows:

Yeas: Brown, Brueggeman, Cobb, Cocchiarella, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Pease, Perry, Peterson, Ryan, Schmidt, Tash, J.Tropila, M.Tropila, Weinberg, Williams, Mr. President.  
Total 30

Nays: Bales, Balyeat, Barkus, Black, Curtiss, Elliott, Esp, Gebhardt, Jackson, Laible, McGee, Murphy, O'Neil,

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Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Wanzenried.  
Total 20

Paired: Hansen, Harrington, Ayes; Black, McGee, Noes.

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 113** concurred in as follows:

Yeas: Bales, Barkus, Brueggeman, Cocchiarella, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 39

Nays: Balyeat, Brown, Cobb, Curtiss, Esp, Essmann, Perry, Shockley, Tash.  
Total 9

Absent or not voting: None.  
Total 0

Excused: Black, McGee.  
Total 2

**HB 537** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 46

Nays: Brown, O'Neil.  
Total 2

Absent or not voting: None.  
Total 0

Excused: Black, McGee.  
Total 2

**HB 668** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

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Total 46

Nays: Curtiss, Story.

Total 2

Absent or not voting: None.

Total 0

Excused: Black, McGee.

Total 2

**HB 364** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 47

Nays: Juneau.

Total 1

Absent or not voting: None.

Total 0

Excused: Black, McGee.

Total 2

**SB 400** passed as follows:

Yeas: Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Perry, Peterson, Schmidt, Smith, Squires, Stapleton, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 40

Nays: Bales, Balyeat, Barkus, Murphy, O'Neil, Ryan, Shockley, Steinbeisser.

Total 8

Absent or not voting: None.

Total 0

Excused: Black, McGee.

Total 2

**SB 558** failed as follows:

Yeas: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 25

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Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Jent, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash.  
Total 25

Paired: Hansen, Harrington, Ayes; Black, McGee, Noes.

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HJR 16** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 47

Nays: Esp.  
Total 1

Absent or not voting: None.  
Total 0

Excused: Black, McGee.  
Total 2

**HB 26** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 44

Nays: Gebhardt, Juneau, O'Neil, Shockley.  
Total 4

Absent or not voting: None.  
Total 0

Excused: Black, McGee.  
Total 2

**HB 737** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson,



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Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 47

Nays: Curtiss.  
Total 1

Absent or not voting: None.  
Total 0

Excused: Black, McGee.  
Total 2

**HB 235** concurred in as follows:

Yeas: Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lind, Moss, Murphy, Pease, Perry, Ryan, Schmidt, Squires, Stapleton, Steinbeisser, Tash, M.Tropila, Weinberg, Williams, Mr. President.  
Total 34

Nays: Bales, Balyeat, Barkus, Black, Curtiss, Hansen, Jackson, Lewis, McGee, O'Neil, Peterson, Shockley, Smith, Story, J.Tropila, Wanzenried.  
Total 16

Paired: Harrington, Kaufmann, Ayes; Black, McGee, Noes.

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 755** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 47

Nays: Shockley.  
Total 1

Absent or not voting: None.  
Total 0

Excused: Black, McGee.  
Total 2

**HB 372** concurred in as follows:

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Yeas: Bales, Barkus, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 45

Nays: Balyeat, Curtiss, Ryan.  
Total 3

Absent or not voting: None.  
Total 0

Excused: Black, McGee.  
Total 2

Senate reconvened at 5:35 p.m. and recessed in order to allow the Fish and Game Committee to meet for executive action.

Roll Call.

Yeas: Bales, Barkus, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 40

Nays: Balyeat, Essmann, Gebhardt, Jackson, Lind, O'Neil, Shockley.  
Total 7

Absent or not voting: None.  
Total 0

Excused: Black, Larson, McGee.  
Total 3

Senate reconvened at 5:45 p.m.

Roll Call.

Yeas: Bales, Barkus, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Hansen, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 38

Nays: Balyeat, Esp, Gebhardt, Jackson, Lind, O'Neil, Shockley.  
Total 7

Absent or not voting: None.

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Total 0

Excused: Black, Harrington, Larson, McGee, Schmidt.

Total 5

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Cocchiarella in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 690** - Senator Gallus moved **HB 690** be concurred in. Motion carried unanimously.

**HB 771** - Senator Jent moved **HB 771** be concurred in. Motion carried unanimously.

**HB 389** - Senator Bales moved **HB 389** be concurred in. Motion carried unanimously.

**HB 415** - Senator Moss moved **HB 415** be concurred in. Motion carried as follows:

Yeas: Brueggeman, Cocchiarella, Elliott, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Shockley, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 25

Nays: Bales, Balyeat, Barkus, Brown, Cobb, Curtiss, Esp, Essmann, Gallus, Gebhardt, Jackson, Laible, Lewis, Murphy, O'Neil, Perry, Peterson, Smith, Stapleton, Steinbeisser, Story, Tash.

Total 22

Absent or not voting: None.

Total 0

Excused: Black, Larson, McGee.

Total 3

**HB 766** - Senator Cocchiarella moved **HB 766** be concurred in. Motion carried unanimously.

**HB 672** - Senator Story moved **HB 672** be concurred in. Motion carried with Senator Balyeat, O'Neil voting nay.

**HB 428** - Senator Brueggeman moved **HB 428** be concurred in. Motion carried unanimously.

**HB 319** - Senator Jent moved **HB 319** be concurred in. Motion carried with Senator Weinberg voting nay.

**HB 768** - Senator Shockley moved **HB 768** be concurred in. Motion carried unanimously.

**HB 559** - Senator Schmidt moved consideration of **HB 559** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

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**HB 630** - Senator Curtiss moved **HB 630** be concurred in. Motion carried unanimously.

**HB 636** - Senator Laslovich moved **HB 636** be concurred in. Motion carried as follows:

Yeas: Balyeat, Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 34

Nays: Bales, Barkus, Brown, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Perry, Peterson, Stapleton, Story, Tash.  
Total 14

Absent or not voting: None.  
Total 0

Excused: Black, McGee.  
Total 2

**HB 742** - Senator Pease moved **HB 742** be concurred in. Motion carried unanimously.

**HB 641** - Senator Laslovich moved **HB 641** be concurred in. Motion carried with Senator Gillan, Juneau, Brown voting nay.

**HJR 5** - Senator J. Peterson moved **HJR 5** be concurred in. Motion carried with Senator Esp, Murphy, Story voting nay.

**HJR 34** - Senator Larson moved **HJR 34** be concurred in. Motion carried with Senator Balyeat, Murphy, Story, Esp, Shockley voting nay.

**HB 433** - Senator Shockley moved **HB 433** be concurred in. Motion carried with Senator Gebhardt, Gallus voting nay.

**HB 487** - Senator Lewis moved **HB 487** be concurred in. Motion carried unanimously.

**HB 706** - Senator Cocchiarella moved **HB 706** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Brueggeman, Cobb, Cocchiarella, Curtiss, Essmann, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Peterson, Shockley, Smith, Squires, Steinbeisser, Wanzenried, Weinberg, Williams, Mr. President.  
Total 34

Nays: Barkus, Brown, Elliott, Esp, Gallus, Gillan, Perry, Ryan, Schmidt, Stapleton, Story, Tash, J.Tropila, M.Tropila.  
Total 14

Absent or not voting: None.  
Total 0

Excused: Black, McGee.

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Total 2

**HJR 41** - Senator J. Tropila moved **HJR 41** be concurred in. Motion carried unanimously.

**HB 765** - Senator Cocchiarella moved **HB 765** be concurred in. Motion carried unanimously.

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Cocchiarella moved the Committee of the Whole report be adopted. Report adopted unanimously.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 12:00 p.m., Wednesday, April 4, 2007. Motion carried.

Senate adjourned at 7:33 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

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60TH LEGISLATURE  
SEVENTY-SECOND LEGISLATIVE DAY**

Helena, Montana  
April 4, 2007

Senate Chambers  
State Capitol

Senate convened at 12:00 p.m. President Cooney presiding. Invocation by Rabbi Alan Secher. Pledge of Allegiance to the Flag.

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 41

Nays: Balyeat, Brown, Gebhardt, Gillan, Jackson, Lind, McGee, O'Neil, Shockley.

Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**REPORTS OF STANDING COMMITTEES**

**EDUCATION AND CULTURAL RESOURCES** (Ryan, Chairman): 3/2/2007  
**HB 744**, be concurred in. Report adopted.

**JUDICIARY** (Laslovich, Chairman): 4/2/2007  
**HB 217**, be concurred in. Report adopted.  
**HB 353**, be concurred in. Report adopted.  
**HJR 38**, be concurred in. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

**House bill** passed and transmitted to the Senate for concurrence: 4/3/2007

**HB 27**, introduced by Driscoll

**House bill** passed and transmitted to the Senate for concurrence: 5/1/2007

**HB 39**, introduced by McNutt

**House bill** passed and transmitted to the Senate for concurrence: 5/1/2007

**HB 148**, introduced by Grinde

**House bill** passed and transmitted to the Senate for concurrence: 5/1/2007

**HB 179**, introduced by French

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<b>House bill</b> passed and transmitted to the Senate for concurrence:	5/1/2007
<b>HB 637</b> , introduced by Klock	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	5/1/2007
<b>HB 801</b> , introduced by MacLaren	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	5/1/2007
<b>HB 828</b> , introduced by Olson	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	5/1/2007
<b>HB 840</b> , introduced by Hilbert	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	5/1/2007
<b>HB 843</b> , introduced by L. Jones	
<b>Senate bill</b> passed and transmitted to the Senate for concurrence:	5/1/2007
<b>SB 51</b> , introduced by Hawks	
<b>Senate bill</b> passed and transmitted to the Senate for concurrence:	5/1/2007
<b>SB 200</b> , introduced by Lewis	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	5/1/2007
<b>HB 665</b> , introduced by Arntzen	
<b>House bill</b> passed and transmitted to the Senate for concurrence:	5/1/2007
<b>HB 746</b> , introduced by Erickson	
<b>SB 152</b> - NOT concurred in on 4/2/07 in the Committee of the Whole and bill is herewith returned to the Senate.	

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 637**, introduced by Klock, referred to Taxation.  
**HB 746**, introduced by Erickson, referred to Taxation.  
**HB 801**, introduced by MacLaren, referred to Taxation.  
**HB 843**, introduced by L. Jones, referred to Taxation.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

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Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Story in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HJR 40** - Senator Black moved **HJR 40** be concurred in. Motion carried unanimously.

**HB 634** - Senator Brueggeman moved consideration of **HB 634** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**HB 425** - Senator Laible moved **HB 425**, second reading copy, be amended as follows:

1. Title, page 1, line 4 through line 5.

**Strike:** "GENERALLY" on line 4 through "REQUIREMENTS AND" on line 5

2. Title, page 1, line 6 through line 11.

**Following:** "REGULATIONS;"

**Strike:** "REVISING" on line 6 through "PROVISIONS;" on line 11

3. Title, page 1, line 13.

**Following:** "AMENDING"

**Strike:** "SECTIONS" through "76-3-301,"

**Insert:** "SECTION"

**Following:** "76-3-504,"

**Insert:** "MCA;"

4. Title, page 1, line 14.

**Strike:** "76-3-609" through the second "MCA"

**Insert:** "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

5. Page 1, line 18 through page 13, line 4.

**Strike:** everything after the enacting clause

**Insert:** "Section 1. Section 76-3-504, MCA, is amended to read:

**"76-3-504. Subdivision regulations -- contents.** (1) The subdivision regulations adopted under this chapter must, at a minimum:

(a) list the materials that must be included in a subdivision application in order for the application to be determined to contain the required elements for the purposes of the review required in 76-3-604(1);

(b) except as provided in 76-3-210, 76-3-509, or 76-3-609, require the subdivider to submit to the governing body an environmental assessment as prescribed in 76-3-603;

(c) establish procedures consistent with this chapter for the submission and review of subdivision applications and amended applications;

(d) prescribe the form and contents of preliminary plats and the documents to accompany final plats;

(e) provide for the identification of areas that, because of natural or human-caused hazards, are unsuitable for subdivision development and prohibit subdivisions in these areas unless the hazards can be eliminated or overcome by approved construction techniques;

(f) prohibit subdivisions for building purposes in areas located within the floodway of a flood of 100-year frequency, as defined by Title 76, chapter 5, or determined to be subject to flooding by the governing body;

(g) prescribe standards for:

(i) the design and arrangement of lots, streets, and roads;

(ii) grading and drainage;



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- (iii) subject to the provisions of 76-3-511, water supply and sewage and solid waste disposal that meet the:
  - (A) regulations adopted by the department of environmental quality under 76-4-104 for subdivisions that will create one or more parcels containing less than 20 acres; and
  - (B) standards provided in 76-3-604 and 76-3-622 for subdivisions that will create one or more parcels containing 20 acres or more and less than 160 acres; and
  - (iv) the location and installation of public utilities;
  - (h) provide procedures for the administration of the park and open-space requirements of this chapter;
  - (i) provide for the review of subdivision applications by affected public utilities and those agencies of local, state, and federal government identified during the preapplication consultation conducted pursuant to subsection (1)(q) or those having a substantial interest in a proposed subdivision. A public utility or agency review may not delay the governing body's action on the application beyond the time limits specified in this chapter, and the failure of any agency to complete a review of an application may not be a basis for rejection of the application by the governing body.
  - (j) when a subdivision creates parcels with lot sizes averaging less than 5 acres, require the subdivider to:
    - (i) reserve all or a portion of the appropriation water rights owned by the owner of the land to be subdivided and transfer the water rights to a single entity for use by landowners within the subdivision who have a legal right to the water and reserve and sever any remaining surface water rights from the land;
    - (ii) if the land to be subdivided is subject to a contract or interest in a public or private entity formed to provide the use of a water right on the subdivision lots, establish a landowner's water use agreement administered through a single entity that specifies administration and the rights and responsibilities of landowners within the subdivision who have a legal right and access to the water; or
    - (iii) reserve and sever all surface water rights from the land;
  - (k) (i) except as provided in subsection (1)(k)(ii), require the subdivider to establish ditch easements in the subdivision that:
    - (A) are in locations of appropriate topographic characteristics and sufficient width to allow the physical placement and unobstructed maintenance of open ditches or belowground pipelines for the delivery of water for irrigation to persons and lands legally entitled to the water under an appropriated water right or permit of an irrigation district or other private or public entity formed to provide for the use of the water right on the subdivision lots;
    - (B) are a sufficient distance from the centerline of the ditch to allow for construction, repair, maintenance, and inspection of the ditch; and
    - (C) prohibit the placement of structures or the planting of vegetation other than grass within the ditch easement without the written permission of the ditch owner.
  - (ii) Establishment of easements pursuant to this subsection (1)(k) is not required if:
    - (A) the average lot size is 1 acre or less and the subdivider provides for disclosure, in a manner acceptable to the governing body, that adequately notifies potential buyers of lots that are classified as irrigated land and may continue to be assessed for irrigation water delivery even though the water may not be deliverable; or
    - (B) the water rights are removed or the process has been initiated to remove the water rights from the subdivided land through an appropriate legal or administrative process and if the removal or intended removal is denoted on the preliminary plat. If removal of water rights is not complete upon filing of the final plat, the subdivider shall provide written notification to prospective buyers of the intent to remove the water right and shall document that intent, when applicable, in agreements and legal documents for related sales transactions.
  - (l) require the subdivider, unless otherwise provided for under separate written agreement or filed easement, to file and record ditch easements for unobstructed use and maintenance of existing water delivery ditches, pipelines, and facilities in the subdivision that are necessary to convey water through the subdivision to lands adjacent to or beyond the subdivision boundaries in quantities and in a manner that are consistent with historic and legal rights;
  - (m) require the subdivider to describe, dimension, and show public utility easements in the subdivision on the final plat in their true and correct location. The public utility easements must be of sufficient width to allow the physical placement and unobstructed maintenance of public utility facilities for the provision of public utility services within the subdivision.
  - (n) establish whether the governing body, its authorized agent or agency, or both will hold public hearings;
  - (o) establish procedures describing how the governing body or its agent or agency will address information

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presented at the hearing or hearings held pursuant to 76-3-605 and 76-3-615;

(p) establish criteria that the governing body or reviewing authority will use to determine whether a proposed method of disposition using the exemptions provided in 76-3-201 or 76-3-207 is an attempt to evade the requirements of this chapter. The regulations must provide for an appeals process to the governing body if the reviewing authority is not the governing body.

(q) establish a preapplication process that:

(i) ~~allows~~ requires a subdivider to meet with the agent or agency, other than the governing body, that is designated by the governing body to review subdivision applications prior to the subdivider submitting the application;

(ii) requires, for informational purposes only, identification of the state laws, local regulations, and growth policy provisions, if a growth policy has been adopted, that may apply to the subdivision review process;

(iii) requires a list to be made available to the subdivider of the public utilities, those agencies of local, state, and federal government, and any other entities that may be contacted for comment on the subdivision application and the timeframes that the public utilities, agencies, and other entities are given to respond. If, during the review of the application, the agent or agency designated by the governing body contacts a public utility, agency, or other entity that was not included on the list originally made available to the subdivider, the agent or agency shall notify the subdivider of the contact and the timeframe for response.

(iv) requires that a preapplication meeting take place no more than 30 days from the date that the agent or agency receives a written request for a preapplication meeting from the subdivider; and

(v) establishes a time limit after a preapplication meeting by which an application must be submitted as provided in 76-3-604.

(2) In order to accomplish the purposes described in 76-3-501, the subdivision regulations adopted under 76-3-509 and this section may include provisions that are consistent with this section that promote cluster development.

(3) The governing body may establish deadlines for submittal of subdivision applications.""

**Insert:** "NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval."

Amendment adopted unanimously.

**HB 425** - Senator Laible moved **HB 425**, as amended, be concurred in. Motion carried unanimously.

**HB 36** - Senator M. Tropila moved **HB 36** be concurred in. Motion carried unanimously.

**HB 584** - Senator Perry moved consideration of **HB 584** be placed below #17 on the second reading board. Motion carried.

**HB 154** - Senator Esp moved **HB 154** be concurred in. Motion carried unanimously.

**HB 459** - Senator Murphy moved **HB 459** be concurred in. Motion carried unanimously.

**HB 609** - Senator Ryan moved **HB 609** be concurred in. Motion carried as follows:

Yeas: Barkus, Brueggeman, Cobb, Cocchiarella, Elliott, Essmann, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 32

Nays: Bales, Balyeat, Black, Brown, Curtiss, Esp, Gallus, Gebhardt, Jackson, Laible, McGee, O'Neil, Perry, Peterson, Steinbeisser, Story, Tash.

Total 17

Absent or not voting: None.

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Total 0

Excused: Pease.

Total 1

**HB 785** - Senator Cocchiarella moved **HB 785** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gebhardt, Gillan, Hansen, Jackson, Juneau, Kitzenberg, Laible, Larson, Lewis, McGee, Moss, Murphy, O'Neil, Perry, Peterson, Schmidt, Smith, Stapleton, Steinbeisser, Story, Tash, M.Tropila, Wanzenried, Williams, Mr. President.  
Total 36

Nays: Esp, Gallus, Harrington, Hawks, Jent, Kaufmann, Laslovich, Lind, Pease, Ryan, Shockley, Squires, J.Tropila, Weinberg.

Total 14

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 522** - Senator Laible moved **HB 522**, second reading copy, be amended as follows:

1. Page 2, line 17.

**Following:** "(d)"

**Strike:** "If"

**Insert:** "Unless otherwise provided by law, if"

Amendment carried unanimously.

**HB 522** - Senator Laible moved **HB 522**, as amended, be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gallus, Gebhardt, Hawks, Jackson, Laible, Lewis, Lind, McGee, Murphy, O'Neil, Perry, Peterson, Schmidt, Shockley, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Weinberg, Williams.

Total 32

Nays: Cocchiarella, Elliott, Gillan, Hansen, Harrington, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Moss, Pease, Ryan, Smith, Squires, Wanzenried, Mr. President.

Total 18

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 439** - Senator Balyeat moved **HB 439** be concurred in. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Gebhardt, Jackson, Laible, Laslovich,

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Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash, J.Tropila.  
Total 25

Nays: Cocchiarella, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 25

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 439** - Senator Lind moved **HB 439** be indefinitely postponed. Motion failed as follows:

Yeas: Elliott, Gallus, Hansen, Harrington, Juneau, Kaufmann, Kitzenberg, Larson, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, M.Tropila, Wanzenried, Weinberg, Williams.  
Total 19

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Gillan, Hawks, Jackson, Jent, Laible, Laslovich, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash, J.Tropila, Mr. President.  
Total 31

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HJR 14** - Senator Curtiss moved **HJR 14** be concurred in. Motion carried unanimously.

**HB 417** - Senator Williams moved consideration of **HB 417** be placed below #12 on the second reading board. Motion carried.

**HB 727** - Senator Cobb moved **HB 727**, second reading copy, be amended as follows:

1. Page 1, line 28.  
**Strike:** "shall"  
**Insert:** "may"  
**Following:** "disregard"  
**Insert:** "up to"

Amendment adopted with Senator Kaufmann, Juneau voting nay.

**HB 727** - Senator Cobb moved **HB 727**, as amended, be concurred in. Motion carried unanimously.

**HB 743** - Senator Esp moved **HB 743** be concurred in. Motion carried unanimously.

**HJR 19** - Senator Weinberg moved **HJR 19** be concurred in. Motion carried unanimously.

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**HB 584** - Senator Williams moved consideration of **HB 584** be placed below HB 650 on the second reading board. Motion carried.

**HB 729** - Senator Squires moved **HB 729** be concurred in. Motion carried unanimously.

**HB 520** - Senator Cocchiarella moved **HB 520** be concurred in. Motion carried unanimously.

**HB 417** - Senator Ryan moved consideration of **HB 417** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**HB 362** - Senator Gebhardt moved **HB 362** be concurred in. Motion carried unanimously.

**HJR 36** - Senator J. Peterson moved **HJR 36** be concurred in. Motion carried unanimously.

**HB 650** - Senator McGee moved **HB 650**, second reading copy, be amended as follows:

1. Page 1, line 13.

**Strike:** "DOLLY"

**Insert:** "Dolley"

Amendment adopted unanimously.

**HB 650** - Senator Ryan moved **HB 650**, second reading copy, be amended as follows:

1. Title, line 5.

**Following:** "MADISON"

**Insert:** ", SUSAN B. ANTHONY, AND ROSA PARKS"

2. Page 1, line 22.

**Following:** "CONSTITUTION"

**Insert:** "; and

WHEREAS, abolitionist, labor organizer, and advocate for the temperance movement, Susan B. Anthony dedicated the later part of her life to the effort to gain the right to vote and equal rights for women, and 14 years after Anthony's death, the 19 amendment was ratified, which granted the right to vote to women; and

WHEREAS, Rosa Parks worked as a seamstress in Montgomery, Alabama, when, in December of 1955, she refused to give up her seat on a city bus to a white passenger, and Ms. Parks is remembered today as the "mother of the civil rights movement" and once said, "The only thing that bothered me was that we waited so long to make this protest. ""

3. Page 1, line 27.

**Following:** "by"

**Insert:** "each citizen of"

**Strike:** "each March 16"

**Strike:** "James Madison"

**Insert:** "one of these great Americans"

4. Page 1, line 28.

**Following:** "Americans"

**Insert:** ":

(a) James Madison, on March 16;

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- (b) Susan B. Anthony, on February 15; or  
(c) Rosa Parks, on February 4"

5. Page 1, line 29.

**Strike:** "March 16"

**Insert:** "the birthday"

**Strike:** "first"

**Insert:** "following"

6. Page 1, line 30.

**Strike:** "following March 16"

Amendment **not** adopted as follows:

Yeas: Cocchiarella, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 25

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Elliott, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 25

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 650** - Senator McGee moved consideration of **HB 650** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**HB 464** - Senator Jent moved **HB 464** be concurred in. Motion **failed** as follows:

Yeas: Cobb, Elliott, Gallus, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, McGee, Moss, O'Neil, Shockley, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 24

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Gillan, Jackson, Laible, Lewis, Lind, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Stapleton, Steinbeisser, Story, Tash.

Total 26

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 464** - Senator Williams moved **HB 464** be **indefinitely postponed**. Motion carried as follows:

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Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Gillan, Jackson, Laible, Lewis, Lind, McGee, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Stapleton, Steinbeisser, Story, Tash.

Total 27

Nays: Cobb, Elliott, Gallus, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Moss, O'Neil, Shockley, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Williams moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Story moved the Committee of the Whole report be adopted. Report adopted unanimously.

**HB 417** - Senator Stapleton moved consideration of **HB 417** be placed at the top of the second reading board. Motion carried.

**HB 417** - Senator Juneau moved **HB 417**, second reading copy, be amended as follows:

1. Page 40, line 1.

**Insert:** "NEW SECTION. Section 22. Distribution of one-time-only money for Indian education for all. Money appropriated from the general fund as one-time-only money in the 2009 biennium to the office of public instruction for Indian education for all must be allocated to districts on a per-ANB basis, calculated as provided in 20-9-311, with a minimum of \$1,000 for each district. A district receiving funds under this section shall deposit the money in the miscellaneous programs fund and may not transfer the money to another fund."

**Renumber:** subsequent sections

Amendment adopted as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 27

Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Ryan, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 417** - Senator Juneau moved **HB 417**, second reading copy, be amended as follows:

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1. Page 38, line 1 through line 7.

**Strike:** section 17 in its entirety

**Insert:** "**Section 17.** Section 20-9-329, MCA, is amended to read:

**"20-9-329. Indian education for all payment.** (1) The state shall provide ~~an~~ a total Indian education for all payment to public school districts, as defined in 20-6-101 and 20-6-701, to implement the provisions of Article X, section 1(2), of the Montana constitution, ~~and to implement~~ Title 20, chapter 1, part 5, and to develop curricula designed to integrate the distinct cultural heritage of Indians into the curricula, with particular emphasis on Montana Indians as required in 20-9-309.

(2) The total Indian education for all payment is ~~the greater of \$100 for each district or \$20.40 for each~~ AND, calculated as provided in 20-9-311, for each fiscal year 20-9-306 and is a component of the BASE budget of the district.

(3) The district shall deposit the payment in the general fund of the district.

(4) It is the intent of this section that the total Indian education for all payment be used to implement the essential understandings regarding Montana Indians developed by the office of public instruction and relevant accreditation standards pertaining to Indian education for all."

Amendment adopted as follows:

Yeas: Black, Brueggeman, Cobb, Cocchiarella, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Pease, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 30

Nays: Bales, Balyeat, Barkus, Brown, Curtiss, Esp, Gebhardt, Jackson, Laible, McGee, Murphy, O'Neil, Perry, Peterson, Ryan, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 20

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 417** - Senator Ryan moved **HB 417**, second reading copy, be amended as follows:

1. Title, line 22.

**Following:** "INSTRUCTION:"

**Strike:** "PROVIDING AN APPROPRIATION FOR STARTUP FUNDS FOR KINDERGARTEN"

**Insert:** "PROVIDING A DISTRIBUTION MECHANISM FOR STARTUP FUNDS FOR KINDERGARTEN"

2. Page 39, line 26 through line 30.

**Strike:** section 21 in its entirety

**Insert:** "NEW SECTION. Section 21. Distribution of funds for kindergarten. Money appropriated to the office of public instruction for startup costs for kindergarten in the 2009 biennium must be distributed based on the kindergarten enrollment in school fiscal year 2007 to all school districts with an elementary program. The school district shall deposit the money in the miscellaneous programs fund."

3. Page 40, line 6.

**Insert:** "COORDINATION SECTION. Section 23. Coordination instruction. If House Bill No. 363 and [this act] are passed and approved and if either contains a section that amends 20-9-308, then the sections amending 20-9-



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308 are void and 20-9-308 must be amended as follows:

**"20-9-308. (Temporary) BASE budgets and maximum general fund budgets.** (1) (a) The trustees of a district shall adopt a general fund budget that is at least equal to the BASE budget established for the district and, except as provided in subsection (3), does not exceed the maximum general fund budget established for the district. The trustees of a district may adopt a general fund budget up to the maximum general fund budget or the previous year's general fund budget, whichever is greater.

(b) For purposes of the budget limitation in subsection (1)(a), the trustees may add any increase in state funding for the payments in 20-9-327 through 20-9-330 to the district's previous year's general fund budget.

(2) Whenever the trustees of a district propose to adopt a general fund budget that exceeds the BASE budget for the district but does not exceed the maximum general fund budget for the district and to increase the over-BASE budget levy to support the general fund budget, the trustees shall submit a proposition to the electors of the district, as provided in 20-9-353.

(3) (a) (i) Except as provided in subsections (3)(a)(ii) and (3)(b), the trustees of a school district whose previous year's general fund budget exceeds the current year's maximum general fund budget amount may adopt a general fund budget up to the maximum general fund budget amount or the previous year's general fund budget, whichever is greater. Except as provided in subsection (3)(b), a school district may adopt a budget under the criteria of this subsection (3)(a)(i) for a maximum of 5 consecutive years, but the trustees shall adopt a plan to reach the maximum general fund budget by no later than the end of the 5-year period.

(ii) Except as provided in subsection (3)(b), the trustees of a district whose general fund budget was above the maximum general fund budget established by Chapter 38, Special Laws of November 1993, and whose general fund budget has continued to exceed the district's maximum general fund budget in each school fiscal year after school fiscal year 1993 may continue to adopt a general fund budget that exceeds the maximum general fund budget. However, the budget adopted for the current year may not exceed the lesser of:

(A) the adopted budget for the previous year; or

(B) the district's maximum general fund budget for the current year plus the over maximum budget amount adopted for the previous year.

(b) A school district that adopted a general fund budget over its maximum general fund budget under any provision of subsection (3)(a) at any time between fiscal year 2001 and fiscal year 2005 may, for fiscal year 2006 and fiscal year 2007, adopt the greater of its maximum general fund budget or the highest actual budget adopted between fiscal year 2001 and fiscal year 2005. For the purpose of calculating the previous year's general fund budget in the initial year of implementation of a full-time kindergarten program established pursuant to 20-7-117, the trustees may add to the district's adopted general fund budget for the previous year an amount equal to one-half of the kindergarten enrollment in the previous year times the sum of the maximum per-ANB rate for an elementary ANB and the Indian education for all payment for an ANB for the previous year.

(c) Except as provided in 20-9-353(8), the trustees of the district shall submit a proposition to raise any general fund budget amount that is in excess of the maximum general fund budget for the district to the electors who are qualified under 20-20-301 to vote on the proposition, as provided in 20-9-353.

(4) The BASE budget for the district must be financed by the following sources of revenue:

(a) state equalization aid, as provided in 20-9-343, including any guaranteed tax base aid for which the district may be eligible, as provided in 20-9-366 through 20-9-369;

(b) county equalization aid, as provided in 20-9-331 and 20-9-333;

(c) a district levy for support of a school not approved as an isolated school under the provisions of 20-9-302;

(d) payments in support of special education programs under the provisions of 20-9-321;

(e) nonlevy revenue, as provided in 20-9-141; and

(f) a BASE budget levy on the taxable value of all property within the district.

(5) The over-BASE budget amount of a district must be financed by a levy on the taxable value of all property within the district or other revenue available to the district, as provided in 20-9-141. (Terminates June 30, 2007--sec. 3, Ch. 190, L. 2005; sec. 25(2), Ch. 462, L. 2005.)

**20-9-308. (Effective July 1, 2007) BASE budgets and maximum general fund budgets.** (1) (a) The trustees of a district shall adopt a general fund budget that is at least equal to the BASE budget established for the district and, except as provided in subsection (3), does not exceed the maximum general fund budget established for the district.

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The trustees of a district may adopt a general fund budget up to the maximum general fund budget or the previous year's general fund budget, whichever is greater.

(b) For purposes of the budget limitation in subsection (1)(a), the trustees may add any increase in state funding for the payments in 20-9-327 through 20-9-330 to the district's previous year's general fund budget.

~~(2) Whenever the trustees of a district propose to adopt a general fund budget that exceeds the BASE budget for the district but does not exceed the maximum general fund budget for the district and to increase the over-BASE budget levy to support the general fund budget, the trustees shall submit a proposition to the electors of the district, as provided in 20-9-353.~~

~~(3) (a) (i) Except as provided in subsection (3)(a)(ii), the trustees of a school district whose previous year's general fund budget exceeds the current year's maximum general fund budget amount may adopt a general fund budget up to the maximum general fund budget amount or the previous year's general fund budget, whichever is greater. A school district may adopt a budget under the criteria of this subsection (3)(a)(i) for a maximum of 5 consecutive years; but the trustees shall adopt a plan to reach the maximum general fund budget by no later than the end of the 5-year period. A school district whose adopted general fund budget for the previous year exceeds the maximum general fund budget for the current year and whose ANB for the previous year exceeds the ANB for the current year by 30% or more shall reduce its adopted budget by:~~

~~—— (A) in the first year, 20% of the range between the district's adopted general fund budget for the previous school fiscal year and the maximum general fund budget for the current school fiscal year;~~

~~—— (B) in the second year, 25% of the range between the district's adopted general fund budget for the previous school fiscal year and the maximum general fund budget for the current school fiscal year;~~

~~—— (C) in the third year, 33.3% of the range between the district's adopted general fund budget for the previous school fiscal year and the maximum general fund budget for the current school fiscal year;~~

~~—— (D) in the fourth year, 50% of the range between the district's adopted general fund budget for the previous school fiscal year and the maximum general fund budget for the current school fiscal year; and~~

~~—— (E) in the fifth year, the remainder of the range between the district's adopted general fund budget for the previous school fiscal year and the maximum general fund budget for the current school fiscal year.~~

~~(ii) The trustees of a district whose general fund budget was above the maximum general fund budget established by Chapter 38, Special Laws of November 1993, and whose general fund budget has continued to exceed the district's maximum general fund budget in each school fiscal year after school fiscal year 1993 may continue to adopt a general fund budget that exceeds the maximum general fund budget. However, the budget adopted for the current year may not exceed the lesser of:~~

~~—— (A) the adopted budget for the previous year; or~~

~~—— (B) the district's maximum general fund budget for the current year plus the over maximum budget amount adopted for the previous year. For the purpose of calculating the previous year's general fund budget in the initial year of implementation of a full-time kindergarten program established pursuant to 20-7-117, the trustees may add to the district's adopted general fund budget for the previous year an amount equal to one-half of the kindergarten enrollment in the previous year times the sum of the maximum per-ANB rate for an elementary ANB and the Indian education for all payment for an ANB for the previous year.~~

~~(b) The trustees of the district shall submit a proposition to raise any general fund budget amount that is in excess of the maximum general fund budget for the district to the electors who are qualified under 20-20-301 to vote on the proposition, as provided in 20-9-353.~~

(4) The BASE budget for the district must be financed by the following sources of revenue:

(a) state equalization aid, as provided in 20-9-343, including any guaranteed tax base aid for which the district may be eligible, as provided in 20-9-366 through 20-9-369;

(b) county equalization aid, as provided in 20-9-331 and 20-9-333;

(c) a district levy for support of a school not approved as an isolated school under the provisions of 20-9-302;

(d) payments in support of special education programs under the provisions of 20-9-321;

(e) nonlevy revenue, as provided in 20-9-141; and

(f) a BASE budget levy on the taxable value of all property within the district.

(5) The over-BASE budget amount of a district must be financed by a levy on the taxable value of all property within the district or other revenue available to the district, as provided in 20-9-141."

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**Renumber:** subsequent section

Amendment adopted with Senator Brown, McGee voting nay.

**HB 417** - Senator Ryan moved **HB 417**, second reading copy, be amended as follows:

1. Page 25, line 24 through line 25.

**Following:** "year." on line 24

**Strike:** remainder of line 24 through line 25

2. Page 30, line 2 through line 3.

**Following:** "year." on line 2

**Strike:** remainder of line 2 through line 3

Amendment adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Hawks, Jackson, Jent, Laible, Murphy, O'Neil, Perry, Peterson, Ryan, Stapleton, Steinbeisser, Story, Tash, J.Tropila, Weinberg.

Total 27

Nays: Brueggeman, Gallus, Gillan, Hansen, Harrington, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, McGee, Moss, Pease, Schmidt, Smith, Squires, M.Tropila, Wanzenried, Williams, Mr. President.

Total 22

Absent or not voting: None.

Total 0

Excused: Shockley.

Total 1

**HB 417** - Senator Ryan moved **HB 417**, second reading copy, be amended as follows:

1. Title, line 12.

**Following:** "ENTITLEMENTS;"

**Insert:** "REDUCING THE AMOUNT OF DECREMENT FOR THE TOTAL PER-ANB ENTITLEMENT;"

2. Page 20, line 21.

**Strike:** "50"

**Insert:** "40"

3. Page 20, line 26.

**Strike:** "20"

**Insert:** "15"

Amendment **not** adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Cobb, Curtiss, Esp, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Ryan, Shockley, Stapleton, Steinbeisser, Story, Tash, J.Tropila.

Total 23

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Nays: Brown, Brueggeman, Cocchiarella, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Schmidt, Smith, Squires, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 27

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 417** - Senator Cocchiarella moved **HB 417**, second reading copy, be amended as follows:

1. Page 25, line 24.

**Following:** "year."

**Insert:** "For the purposes of calculating the 3-year ANB, the superintendent of public instruction shall count the kindergarten enrollment as one-half enrollment and then add the additional kindergarten ANB to the 3-year average ANB for districts offering full-time kindergarten."

2. Page 30, line 2.

**Following:** "year."

**Insert:** "For the purposes of calculating the 3-year ANB, the superintendent of public instruction shall count the kindergarten enrollment as one-half enrollment and then add the additional kindergarten ANB to the 3-year average ANB for districts offering full-time kindergarten."

Amendment adopted unanimously.

**HB 417** - Senator Ryan moved **HB 417**, as amended, be concurred in. Motion carried as follows:

Yeas: Barkus, Black, Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Perry, Peterson, Schmidt, Smith, Squires, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 36

Nays: Bales, Balyeat, Brown, Curtiss, Esp, Essmann, Jackson, Murphy, O'Neil, Ryan, Shockley, Stapleton, Story.  
Total 13

Absent or not voting: McGee.  
Total 1

Excused: None.  
Total 0

Senator Williams moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Story moved the Committee of the Whole report be adopted. Report adopted unanimously.

Senate stands in recess until 6:30 p.m.

Roll Call. All Senators are present.

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Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 41

Nays: Balyeat, Brown, Esp, Essmann, Gebhardt, Jackson, Lind, McGee, O'Neil.

Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Story in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 584** - Senator Shockley moved **HB 584**, second reading copy, be amended as follows:

1. Title, line 7.

**Strike:** "UNANIMOUS VOTE OF ALL FIVE"

**Insert:** "FOUR OF THE FIVE"

2. Page 1, line 26 through line 27.

**Strike:** "a unanimous vote of all" on line 26

**Insert:** "four of the"

3. Page 2, line 2.

**Strike:** "a unanimous vote"

**Insert:** "an affirmative vote of four of the five members"

4. Page 2, line 4.

**Strike:** "a unanimous vote"

**Insert:** "an affirmative vote of four of the five members"

Amendment failed unanimously.

**HB 584** - Senator Perry moved **HB 584** be concurred in. Motion carried as follows:

Yeas: Barkus, Cobb, Cocchiarella, Curtiss, Elliott, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Kitzenberg, Larson, Lind, McGee, Moss, Perry, Schmidt, Shockley, Smith, Squires, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 28

Nays: Bales, Balyeat, Black, Brown, Brueggeman, Esp, Essmann, Gallus, Gebhardt, Jackson, Jent, Laible, Laslovich, Lewis, Murphy, O'Neil, Pease, Peterson, Ryan, Stapleton, Steinbeisser, Tash.

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Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 533** - Senator M. Tropila moved consideration of **HB 533** be placed below 269 on the second reading board.  
Motion carried.

**HB 739** - Senator Wanzenried moved **HB 739**, second reading copy, be amended as follows:

1. Title, line 14.

**Strike:** "AN"

**Insert:** "A RETROACTIVE"

Amendment adopted unanimously.

**HB 739** - Senator Bales moved **HB 739**, second reading copy, be amended as follows:

1. Page 4, line 5 through line 8.

**Strike:** section 9 in its entirety

**Insert:** "NEW SECTION. **Section 9. Applicability.** [This act] does not apply to a municipal electric utility as defined in [section 1] that was established prior to [the effective date of this act]."

Amendment adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Jackson, Jent, Kitzenberg, Laible, Larson, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila.

Total 30

Nays: Cocchiarella, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Laslovich, Lewis, Lind, Moss, Shockley, Squires, Wanzenried, Weinberg, Mr. President.

Total 19

Absent or not voting: None.

Total 0

Excused: Williams.

Total 1

**HB 739** - Senator Bales moved **HB 739**, second reading copy, remove Senator Wanzenried's amendment 739-1.

Amendment adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Kitzenberg, Laible, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila.

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Total 28

Nays: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Larson, Laslovich, Lewis, Lind, Moss, Shockley, Squires, Wanzenried, Weinberg, Williams, Mr. President.

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 739** - Senator Wanzenried moved **HB 739**, second reading copy, do concur in as amended. Motion **failed** as follows:

Yeas: Barkus, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Harrington, Juneau, Kaufmann, Laslovich, Lewis, Moss, Perry, Shockley, Smith, Wanzenried, Weinberg.

Total 19

Nays: Bales, Balyeat, Black, Brown, Brueggeman, Esp, Gillan, Hansen, Hawks, Jackson, Jent, Kitzenberg, Laible, Larson, Lind, McGee, Murphy, O'Neil, Pease, Peterson, Ryan, Schmidt, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Williams, Mr. President.

Total 31

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 739** - Senator Williams moved **HB 739** be **indefinitely postponed**. Motion carried as follows:

Yeas: Bales, Balyeat, Black, Brown, Brueggeman, Curtiss, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kitzenberg, Laible, Larson, Lind, McGee, Moss, Murphy, O'Neil, Pease, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Williams, Mr. President.

Total 37

Nays: Barkus, Cobb, Cocchiarella, Esp, Gebhardt, Kaufmann, Laslovich, Lewis, Perry, Shockley, Stapleton, Wanzenried, Weinberg.

Total 13

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 136** - Senator McGee moved **HB 136**, second reading copy, be amended as follows:

1. Title, line 6.

**Strike:** "KILLED AS A RESULT OF"

**Insert:** "WHO DIE IN THE LINE OF DUTY WHILE ON"

2. Page 1, line 15.

**Strike:** "killed"

**Insert:** "who dies"

3. Page 1, line 16.

**Strike:** "Article VI, section 13, of the Montana constitution"

**Insert:** "state active duty orders"

4. Page 1, line 18.

**Strike:** "killed"

5. Page 1, line 19.

**Strike:** "was killed"

**Insert:** "died"

Amendment adopted unanimously.

**HB 136** - Senator McGee moved **HB 136**, as amended, be concurred in. Motion carried with Senator Weinberg, M. Tropila voting nay.

**HB 634** - Senator Brueggeman moved **HB 634** be concurred in. Motion carried with Senator Balyeat, O'Neil voting nay.

**HB 650** - **Senator** \_\_\_\_\_ moved **HB 650**, second reading copy, be amended as follows:

1. Page 1, line 13.



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Strike: "DOLLY"

Insert: "Dolley"

Amendment adopted unanimously.

**HB 650** - **Senator** \_\_\_\_\_ moved **HB 650**, second reading copy, be amended as follows:

1. Title, line 5.

Following: "MADISON"

Insert: ", SUSAN B. ANTHONY, AND ROSA PARKS"

2. Page 1, line 22.

Following: "CONSTITUTION"

Insert: "; and

WHEREAS, abolitionist, labor organizer, and advocate for the temperance movement, Susan B. Anthony dedicated the later part of her life to the effort to gain the right to vote and equal rights for women, and 14 years after Anthony's death, the 19 amendment was ratified, which granted the right to vote to women; and

WHEREAS, Rosa Parks worked as a seamstress in Montgomery, Alabama, when, in December of 1955, she refused to give up her seat on a city bus to a white passenger, and Ms. Parks is remembered today as the "mother of the civil rights movement" and once said, "The only thing that bothered me was that we waited so long to make this protest."

3. Page 1, line 27.

Following: "by"

Insert: "each citizen of"

Strike: "each March 16"

Strike: "James Madison"

Insert: "one of these great Americans"

4. Page 1, line 28.

Following: "Americans"

Insert: ":

(a) James Madison, on March 16;

(b) Susan B. Anthony, on February 15; or

(c) Rosa Parks, on February 4"

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5. Page 1, line 29.

Strike: "March 16"

Insert: "the birthday"

Strike: "first"

Insert: "following"

6. Page 1, line 30.

Strike: "following March 16"

**Amendment failed as follows:** (should be 25-25)

**HB 650** - Senator McGee moved **HB 650**, as amended, be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Kitzenberg, Laible, Laslovich, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 26

Nays: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Larson, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 594** - Senator Hansen moved **HB 594** be concurred in. Motion carried with Senator Cobb, Esp, Peterson, Juneau, Liabe voting nay.

**HB 744** - Senator Ryan moved **HB 744** be concurred in. Motion carried unanimously.

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**HB 269** - Senator Bales moved **HB 269** be concurred in. Motion carried unanimously.

**HB 585** - Senator Shockley moved **HB 585** be concurred in. Motion **failed** as follows:

Yeas: Bales, Balyeat, Black, Brown, Brueggeman, Cocchiarella, Elliott, Gebhardt, Larson, Lewis, Moss, Murphy, O'Neil, Pease, Shockley, Weinberg.

Total 16

Nays: Barkus, Cobb, Curtiss, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Laslovich, Lind, McGee, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Williams, Mr. President.

Total 34

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 585** - Senator Williams moved **HB 585** be **indefinitely postponed**. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Cobb, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Pease, Perry, Peterson, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 42

Nays: Brueggeman, Cocchiarella, Gebhardt, Jackson, Murphy, O'Neil, Ryan, Shockley.

Total 8

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 533** - Senator Gillan moved **HB 533**, second reading copy, be amended as follows:

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1. Page 3, line 18.

**Insert:** "NEW SECTION. Section 2. Contingent voidness. If House Bill No. 798 is not passed and approved, then [this act] is void."

**Renumber:** subsequent sections

Amendment adopted unanimously.

**HB 533** - Senator M. Tropila moved **HB 533**, as amended, be concurred in. Motion carried unanimously.

**HB 25** - Senator Laslovich moved **HB 25**, second reading copy, be amended as follows:

1. Page 4, line 11.

**Strike:** "69-8-421(9)"

**Insert:** "69-8-421(10)"

2. Page 4, line 13.

**Strike:** "69-8-421(9)"

**Insert:** "69-8-421(10)"

3. Page 4, line 14.

**Strike:** "69-8-421(9)"

**Insert:** "69-8-421(10)"

4. Page 6, line 8.

**Following:** "ACTIONS"

**Insert:** "that are"

5. Page 6, line 9.

**Following:** "EMISSIONS"

**Insert:** "or that increase the absorption of carbon dioxide"

6. Page 6, line 11.

**Following:** "THAT"

**Insert:** "reduce carbon dioxide emissions or that"

Amendment adopted unanimously.

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**HB 25** - Senator Gebhardt moved **HB 25**, second reading copy, be amended as follows:

1. Title, page 1, line 12 through line 13.

**Strike:** "REQUIRING" on line 12 through "TARIFFS;" on line 13.

2. Page 11, line 17.

**Strike:** "--TARIFFS"

3. Page 13, line 25 through line 26.

**Strike:** "OR" on line 25 through "ACT]" on line 26

4. Page 13, line 27.

**Strike:** "OR A BUYING COOPERATIVE ESTABLISHED PURSUANT TO TITLE 35, CHAPTER 19"

5. Page 13, line 28.

**Strike:** "OR SMALL CUSTOMER OF A BUYING COOPERATIVE PURSUANT TO TITLE 35, CHAPTER 19,"

6. Page 14, line 1.

**Strike:** "EXCEPT AS PROVIDED IN SUBSECTION (3), A"

**Insert:** "A"

7. Page 14, line 5 through line 9.

**Strike:** subsection (3) in its entirety

**Renumber:** subsequent subsections

8. Page 14, line 10.

**Strike:** "THE"

**Insert:** "a retail customer's"

9. Page 14, line 10 through line 11.

**Strike:** "OF" on line 10 through "CUSTOMER" on line 11

10. Page 14, line 17.

**Strike:** "(5)(B)"

**Insert:** "(4)(b)"

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11. Page 14, line 21.

**Strike:** "(5)(A)"

**Insert:** "(4)(a)"

12. Page 14, line 25 through page 15, line 10.

**Strike:** subsection (6) in its entirety

13. Page 20, line 26 through line 27.

**Strike:** ", BUYING" on line 26 through "19," on line 27

14. Page 20, line 29.

**Strike:** "35-19-102 AND"

15. Page 20, line 30 through page 21, line 1.

**Strike:** "AND SMALL CUSTOMERS PURSUANT TO 35-19-102"

Amendment adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hawks, Jackson, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, O'Neil, Perry, Peterson, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, Weinberg.

Total 34

Nays: Hansen, Harrington, Jent, Juneau, Kaufmann, Moss, Murphy, Pease, Ryan, Schmidt, Squires, J.Tropila, M.Tropila, Wanzenried, Williams, Mr. President.

Total 16

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 25** - Senator Laslovich moved **HB 25**, as amended, be concurred in. Motion **failed** as follows:

Yeas: Cobb, Cocchiarella, Elliott, Esp, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Kitzenberg, Laible, Laslovich, Lewis, Lind, McGee, Moss, Shockley, Smith, Squires, Weinberg,

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Williams, Mr. President.

Total 25

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Essmann, Jackson, Jent, Larson, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried.

Total 25

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Williams moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Story moved the Committee of the Whole report be adopted. Report adopted unanimously.

**HJR 24** - Senator M. Tropila moved **HJR 24** be concurred in. Motion carried with Senator Balyeat, Gebhardt, O'Neil voting nay.

**HB 328** - Senator Gebhardt moved **HB 328** be concurred in. Motion carried unanimously.

**HB 414** - Senator Moss moved consideration of **HB 414** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**HB 225** - Senator Shockley moved **HB 225** be concurred in. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Elliott, Esp, Essmann, Gallus, Gebhardt, Jackson, Laible, Larson, Lewis, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 24

Nays: Cobb, Cocchiarella, Curtiss, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laslovich, Lind, McGee, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 26

Absent or not voting: None.

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Total 0

Excused: None.

Total 0

**HB 225** - Senator Williams moved **HB 225** to indefinitely postponed. Motion **carried** as follows:

Yeas: Bales, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lind, McGee, Moss, Pease, Peterson, Ryan, Schmidt, Smith, Squires, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 35

Nays: Balyeat, Barkus, Black, Brown, Brueggeman, Elliott, Gebhardt, Jackson, Lewis, Murphy, O'Neil, Perry, Shockley, Stapleton, Steinbeisser.

Total 15

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 462** - Senator Laible moved **HB 462**, second reading copy, be amended as follows:

1. Title, lines 8 and 9.

**Following:** "~~AND~~" on line 8

**Strike:** remainder of line 8 through "ACCOUNTS;" on line 9

**Strike:** "SECTIONS 2-2-104 AND"

**Insert:** "SECTION"

2. Page 1, line 14.

**Strike:** "THROUGH 3"

**Insert:** "and 2"

3. Page 1, line 18.

**Strike:** "THROUGH 3"



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**Insert:** "and 2"

4. Page 1, line 27.

**Strike:** "(I)"

**Following:** "deposit"

**Insert:** "only"

5. Page 1, line 29 through page 2, line 7.

**Strike:** subsections (II) and (III) in their entirety

6. Page 3, line 6 through page 4, line 19.

**Strike:** sections 3 and 4 in their entirety

**Renumber:** subsequent sections

7. Page 5, lines 2 through line 5.

**Strike:** section 6 in its entirety

**Renumber:** subsequent sections

8. Page 5, line 7.

**Strike:** "THROUGH 3"

**Insert:** "and 2"

9. Page 5, line 9.

**Strike:** "THROUGH 3"

**Insert:** "and 2"

Amendment adopted as follows:

Yeas: Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Perry, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 38

Nays: Bales, Balyeat, Barkus, Black, Esp, Essmann, Jackson, McGee, Murphy, O'Neil, Peterson, Shockley.

Total 12

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 462** - Senator Laslovich moved **HB 462**, as amended, be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: McGee.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 414** - Senator Moss moved **HB 414** be concurred in. Motion carried as follows:

Yeas: Black, Brown, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lind, Moss, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 33

Nays: Bales, Balyeat, Barkus, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Lewis, McGee, Murphy, O'Neil, Shockley, Stapleton, Steinbeisser, Tash.

Total 17

Absent or not voting: None.

Total 0

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Excused: None.

Total 0

**HB 439** - Senator Balyeat moved **HB 439** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Jent, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Ryan, Shockley, Stapleton, Steinbeisser, Story, Tash, J. Tropila.

Total 27

Nays: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Schmidt, Smith, Squires, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 217** - Senator Perry moved **HB 217** be concurred in. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Moss, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 25

Nays: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Pease, Ryan, Schmidt, Smith, Squires, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 25

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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**HB 217** - Senator Lind moved **HB 217** be **indefinitely postponed**. Motion carried  
as follows:

Yeas: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Lind, Moss, Pease, Peterson, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 26

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Laslovich, Lewis, McGee, Murphy, O'Neil, Perry, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 25** - Senator Laslovich made a **substitute motion** that **HB 25**, as amended, be concurred in. Motion carried  
as follows:

Yeas: Cobb, Cocchiarella, Elliott, Esp, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Kitzenberg, Laible, Laslovich, Lewis, Lind, McGee, Moss, Perry, Shockley, Smith, Squires, Tash, Wanzenried, Weinberg, Williams, Mr. President.

Total 28

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Essmann, Jackson, Jent, Larson, Murphy, O'Neil, Pease, Peterson, Ryan, Schmidt, Stapleton, Steinbeisser, Story, J.Tropila, M.Tropila.

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 353** - Senator Shockley moved **HB 353** be concurred in. Motion carried with Senator Elliott voting nay.

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**HJR 38** - Senator Curtiss moved **HJR 38** be concurred in. Motion carried unanimously.

**HB 688** - Senator \_\_\_\_\_ moved **HB 688** be concurred in. Motion carried with Senator Balyeat voting nay.

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Story moved the Committee of the Whole report be adopted. Report adopted unanimously.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HJR 39** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 45

Nays: Esp, McGee, O'Neil, Shockley, Steinbeisser.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 283** concurred in as follows:

Yeas: Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 41

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Nays: Bales, Balyeat, Barkus, Jackson, McGee, O'Neil, Shockley, Stapleton, Steinbeisser.

Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 608** concurred in as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 44

Nays: Balyeat, Esp, McGee, O'Neil, Shockley, Story.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 811** concurred in as follows:

Yeas: Bales, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 43

Nays: Balyeat, Barkus, Esp, McGee, O'Neil, Stapleton, Story.

Total 7

Absent or not voting: None.

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Total 0

Excused: None.

Total 0

**HB 272** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 287** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

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Excused: None.

Total 0

**HB 299** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 435** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 48

Nays: Gebhardt, O'Neil.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0



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**HB 468** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 47

Nays: Gebhardt, Hansen, O'Neil.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 781** concurred in as follows:

Yeas: Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Murphy, O'Neil, Pease, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 34

Nays: Bales, Balyeat, Barkus, Black, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Perry, Steinbeisser, Story, Tash.

Total 16

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 24** concurred in as follows:

Yeas: Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus,

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Total 46

Nays: Bales, Esp, Shockley, Steinbeisser.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 291** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 460** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

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Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 681** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 715** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: Kaufmann.

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Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HJR 42** concurred in as follows:

Yeas: Bales, Balyeat, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 45

Nays: Barkus, Esp, McGee, O'Neil, Stapleton.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HJR 44** concurred in as follows:

Yeas: Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 36

Nays: Bales, Balyeat, Barkus, Brown, Esp, Essmann, Jackson, McGee, Murphy, O'Neil, Shockley, Stapleton, Steinbeisser, Story.

Total 14

Absent or not voting: None.

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Total 0

Excused: None.

Total 0

**HB 687** concurred in as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 31

Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Esp, Essmann, Jackson, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 19

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 389** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kitzenberg, Laible, Laslovich, Lewis, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams.

Total 44

Nays: Elliott, Gallus, Kaufmann, Larson, Lind, Mr. President.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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**HB 415** concurred in as follows:

Yeas: Cocchiarella, Curtiss, Elliott, Gallus, Gillan, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 26

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Esp, Essmann, Gebhardt, Hansen, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 766** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 672** concurred in as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus,

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Total 48

Nays: Balyeat, O'Neil.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 428** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: McGee.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 768** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams,

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Total 49

Nays: McGee.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 319** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Williams, Mr. President.

Total 48

Nays: Larson, Weinberg.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 630** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50



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Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 636** concurred in as follows:

Yeas: Balyeat, Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 35

Nays: Bales, Barkus, Black, Brown, Curtiss, Esp, Essmann, Jackson, Laible, McGee, Perry, Peterson, Stapleton, Story, Tash.

Total 15

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 742** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 641** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 44

Nays: Brown, Curtiss, Gillan, Juneau, Kaufmann, McGee.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HJR 5** concurred in as follows:

Yeas: Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 45

Nays: Bales, Esp, McGee, Murphy, Story.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

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Total 0

**HJR 34** concurred in as follows:

Yeas: Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 42

Nays: Bales, Balyeat, Esp, Gebhardt, McGee, Murphy, O'Neil, Story.

Total 8

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 433** concurred in as follows:

Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 47

Nays: Gallus, Gebhardt, Smith.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 487** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann,

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Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 48

Nays: McGee, Stapleton.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 706** concurred in as follows:

Yeas: Bales, Balyeat, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Essmann, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Peterson, Schmidt, Shockley, Smith, Squires, Steinbeisser, J.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 38

Nays: Barkus, Brown, Elliott, Esp, Gallus, McGee, Perry, Ryan, Stapleton, Story, Tash, M.Tropila.

Total 12

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HJR 41** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

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Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 765** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 690** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

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Nays: McGee.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 771** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 48

Nays: McGee, Squires.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 8:00 a.m., Thursday, April 5, 2007. Motion carried.

Senate adjourned at 11:23 p.m.

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JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

**SENATE JOURNAL  
60TH LEGISLATURE  
SEVENTY-THIRD LEGISLATIVE DAY**

Helena, Montana  
April 5, 2007

Senate Chambers  
State Capitol

Senate convened at 8:00 a.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 41

Nays: Balyeat, Essmann, Gebhardt, Gillan, Jackson, Lind, McGee, O'Neil, Shockley.

Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**MOTIONS**

**SEN. JOHN BRUEGGEMAN, SD 6, POLSON** moved to change his vote on **HB 744** from "no" to "yes".  
Motion carried unanimously.

**SEN. KEN HANSEN, SD 17, HARLEM** moved to change his vote on **HB 414** from "no" to "yes". Motion carried unanimously.

**SEN. ROY BROWN, SD 25, BILLINGS** moved to reconsider the Senate's action on **HB 462** for purpose of an amendment. President Cooney moved to take **HB 462** off of third reading and placed on second reading. Motion carried unanimously.

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** moved to Suspend the Rules on **HB 462** to allow the bill to be placed on third reading. The motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 46

Nays: Esp, Gallus, Gebhardt, Smith.

Total 4

Absent or not voting: None.



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Total 0

Excused: None.

Total 0

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HJR 40** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: Esp.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HJR 14** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: Esp.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 425** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith,

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Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 48

Nays: Gebhardt, McGee.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 36** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 154** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 459** concurred in as follows:

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Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 609** concurred in as follows:

Yeas: Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Essmann, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 37

Nays: Bales, Curtiss, Esp, Gallus, Gebhardt, Jackson, Laible, McGee, O'Neil, Perry, Peterson, Steinbeisser, Tash.  
Total 13

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 785** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gebhardt, Gillan, Hansen, Jackson, Kitzenberg, Laible, Larson, Lewis, McGee, Moss, Murphy, O'Neil, Perry, Peterson, Schmidt, Smith, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Williams, Mr. President.  
Total 35

Nays: Esp, Gallus, Harrington, Hawks, Jent, Juneau, Kaufmann, Laslovich, Lind, Pease, Ryan, Shockley, Squires, Wanzenried, Weinberg.  
Total 15

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

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**HB 522** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Elliott, Esp, Essmann, Gebhardt, Harrington, Hawks, Jackson, Juneau, Laible, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Perry, Peterson, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, M.Tropila, Wanzenried, Williams.  
Total 34

Nays: Cocchiarella, Gallus, Gillan, Hansen, Jent, Kaufmann, Kitzenberg, Larson, Laslovich, Pease, Ryan, Schmidt, Squires, J.Tropila, Weinberg, Mr. President.  
Total 16

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 727** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: Gallus.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 743** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.

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Total 0

**HJR 19** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: Gallus.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 729** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 520** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: Gallus.

Total 1

Absent or not voting: None.

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Total 0

Excused: None.

Total 0

**HB 362** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Kaufmann, Kitzenberg, Laible, Laslovich, Lewis, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Williams.

Total 44

Nays: Juneau, Larson, Lind, Wanzenried, Weinberg, Mr. President.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HJR 36** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: Esp.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 417** concurred in as follows:

Yeas: Barkus, Black, Brueggeman, Cobb, Cocchiarella, Elliott, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Schmidt, Smith, Squires, Tash, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 34

Nays: Bales, Balyeat, Brown, Curtiss, Esp, Essmann, Gallus, Jackson, McGee, Peterson, Ryan, Shockley, Stapleton, Steinbeisser, Story, J.Tropila.

Total 16

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 584** concurred in as follows:

Yeas: Barkus, Cobb, Curtiss, Elliott, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kitzenberg, Larson, Lind, McGee, Moss, Pease, Perry, Schmidt, Smith, Squires, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 25

Nays: Bales, Balyeat, Black, Brown, Brueggeman, Cocchiarella, Esp, Essmann, Gallus, Gebhardt, Jackson, Kaufmann, Laible, Laslovich, Lewis, Murphy, O'Neil, Peterson, Ryan, Shockley, Stapleton, Steinbeisser, Story, Tash, J.Tropila.  
Total 25

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 688** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: Smith.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 136** concurred in as follows:

Yeas: Bales, Balyeat, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Williams, Mr. President.  
Total 48

Nays: Barkus, Weinberg.

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Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 634** concurred in as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 47

Nays: Balyeat, O'Neil, Shockley.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 650 failed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 24

Nays: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 26

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 594** concurred in as follows:

Yeas: Bales, Barkus, Black, Cocchiarella, Curtiss, Elliott, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Kitzenberg, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Ryan, Schmidt, Shockley, Smith, Squires, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams.  
Total 35

Nays: Balyeat, Brown, Brueggeman, Cobb, Esp, Essmann, Gallus, Jackson, Juneau, Kaufmann, Laible, Peterson, Stapleton, Steinbeisser, Mr. President.



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Total 15

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 744** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, Weinberg, Williams, Mr. President.

Total 44

Nays: Essmann, Gallus, Ryan, J.Tropila, M.Tropila, Wanzenried.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 269** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 533** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kitzenberg, Laible, Larson, Laslovich, Lewis, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Williams.

Total 42

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Nays: Gallus, Kaufmann, Lind, Schmidt, Smith, Wanzenried, Weinberg, Mr. President.  
Total 8

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HJR 24** concurred in as follows:

Yeas: Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Essmann, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 39

Nays: Bales, Curtiss, Esp, Gallus, Gebhardt, Jackson, McGee, Murphy, O'Neil, Steinbeisser, Story.  
Total 11

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 328** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: McGee.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 414** concurred in as follows:

Yeas: Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 38

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Nays: Bales, Balyeat, Curtiss, Esp, Essmann, Gebhardt, Jackson, McGee, Murphy, O'Neil, Steinbeisser, Tash.  
Total 12

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 439** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Jent, Laible, Laslovich, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash, J.Tropila.  
Total 27

Nays: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Kitzenberg, Larson, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 23

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 25** concurred in as follows:

Yeas: Black, Cobb, Cocchiarella, Elliott, Esp, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Laslovich, Lewis, Lind, Moss, Perry, Shockley, Smith, Squires, Steinbeisser, Tash, Wanzenried, Weinberg, Williams, Mr. President.  
Total 30

Nays: Bales, Balyeat, Barkus, Brown, Brueggeman, Curtiss, Essmann, Jackson, Larson, McGee, Murphy, O'Neil, Pease, Peterson, Ryan, Schmidt, Stapleton, Story, J.Tropila, M.Tropila.  
Total 20

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 353** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 48

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Nays: Elliott, McGee.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HJR 38** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, Weinberg, Williams.  
Total 43

Nays: Esp, Gillan, Larson, Schmidt, M.Tropila, Wanzenried, Mr. President.  
Total 7

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator J. Tropila in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 462** - Senator Brown moved **HB 462**, second reading copy, be amended as follows:

1. Title, line 10.

**Strike:** "APPLICABILITY"

**Insert:** "IMMEDIATE EFFECTIVE"

2. Page 5, line 11 through line 12.

**Strike:** section 5 in its entirety

**Insert:** "NEW SECTION. **Section 5. Effective date.** [This act] is effective on passage and approval."

Amendment adopted unanimously.

**HB 462** - Senator Laible moved **HB 462**, second reading copy, be amended as follows:

1. Title, lines 8 and 9.

**Following:** "~~AND~~" on line 8

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**Strike:** remainder of line 8 through "ACCOUNTS;" on line 9

**Strike:** "SECTIONS 2-2-104 AND"

**Insert:** "SECTION"

2. Page 1, line 14.

**Strike:** "THROUGH 3"

**Insert:** "and 2"

3. Page 1, line 18.

**Strike:** "THROUGH 3"

**Insert:** "and 2"

4. Page 1, line 27.

**Strike:** "(I)"

**Following:** "deposit"

**Insert:** "only"

5. Page 1, line 29 through page 2, line 7.

**Strike:** subsections (II) and (III) in their entirety

6. Page 3, line 6 through page 4, line 19.

**Strike:** sections 3 and 4 in their entirety

**Renumber:** subsequent sections

7. Page 5, lines 2 through line 5.

**Strike:** section 6 in its entirety

**Renumber:** subsequent sections

8. Page 5, line 7.

**Strike:** "THROUGH 3"

**Insert:** "and 2"

9. Page 5, line 9.

**Strike:** "THROUGH 3"

**Insert:** "and 2"

Amendment adopted as follows:

Yeas: Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Peterson, Ryan, Schmidt, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 37

Nays: Bales, Balyeat, Barkus, Black, Esp, Essmann, Gebhardt, McGee, O'Neil, Perry, Shockley, Smith, Stapleton.

Total 13

Absent or not voting: None.

Total 0

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Excused: None.  
Total 0

**HB 462** - Senator Laslovich moved **HB 462**, as amended, be concurred in. Motion carried with Senator Esp, Gebhardt, O'Neil voting nay.

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman J. Tropila moved the Committee of the Whole report be adopted. Report adopted unanimously.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 462** be concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 46

Nays: Esp, Gebhardt, McGee, Smith.  
Total 4

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 5:00 p.m., Monday, April 9, 2007. Motion carried.

Senate adjourned at 9:00 a.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

**SENATE JOURNAL  
60TH LEGISLATURE  
SEVENTY-FOURTH LEGISLATIVE DAY**

Helena, Montana  
April 9, 2007

Senate Chambers  
State Capitol

Senate convened at 5:00 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 43

Nays: Balyeat, Brown, Gebhardt, Jackson, Lind, McGee, Shockley.  
Total 7

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**REPORTS OF STANDING COMMITTEES**

**FINANCE AND CLAIMS** (Schmidt, Chairman):  
**HB 809**, be amended as follows:

4/9/2007

1. Title, lines 5 and 6.  
**Following:** "INSTRUCTION" on line 5  
**Strike:** remainder of line 5 through "SOCIETY" on line 6

2. Title, line 7 through line 11.  
**Following:** "FUNDS;" on line 7  
**Strike:** remainder of line 7 through "MCA;" on line 11  
**Following:** "PROVIDING"  
**Insert:** "AN"  
**Strike:** "DATES"  
**Insert:** "DATE"

3. Page 1, line 15 through page 20, line 4.  
**Strike:** everything after the enacting clause  
**Insert:**

And, as amended, be concurred in. Report adopted.

**HB 818**, be amended as follows:

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1. Title, lines 5 through 7.

**Following:** "COUNSEL;" on line 5

**Strike:** remainder of line 5 through "MCA;" on line 7

2. Title, line 8.

**Following:** line 7

**Insert:** "AN"

**Strike:** "DATES"

**Insert:** "DATE"

3. Page 1, line 12 through page 14, line 21.

**Strike:** everything after the enacting clause

**Insert:**

And, as amended, be concurred in. Report adopted.

**HB 819**, be amended as follows:

1. Title, lines 5 through 7.

**Following:** "BRANCH;" on line 5

**Strike:** remainder of line 5 through "MCA;" on line 7

**Following:** "PROVIDING"

**Insert:** "AN"

**Strike:** "DATES"

**Insert:** "DATE"

2. Page 1, line 11 through page 14, line 25.

**Strike:** everything after the enacting clause

**Insert:**

And, as amended, be concurred in. Report adopted.

**HB 820**, be amended as follows:

1. Title, lines 7 through 11.

**Following:** "COUNCIL," on line 7

**Strike:** "AND"

**Following:** "DEFENDER"

**Insert:** ", THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS, THE DEPARTMENT OF ENVIRONMENTAL QUALITY, THE DEPARTMENT OF LIVESTOCK, THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION, THE DEPARTMENT OF AGRICULTURE, THE DEPARTMENT OF COMMERCE, THE CRIME CONTROL DIVISION, THE DEPARTMENT OF JUSTICE, THE PUBLIC SERVICE COMMISSION, THE DEPARTMENT OF CORRECTIONS, THE DEPARTMENT OF LABOR AND INDUSTRY, THE DEPARTMENT OF MILITARY AFFAIRS, THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES, THE UNIVERSITY SYSTEM, COMMUNITY COLLEGES, THE BOARD OF PUBLIC EDUCATION, THE MONTANA SCHOOL FOR THE DEAF AND BLIND, THE MONTANA ARTS COUNCIL, THE MONTANA STATE LIBRARY COMMISSION, THE MONTANA HISTORICAL SOCIETY, AND RELATED AGENCIES; SETTING RATES FOR INTERNAL SERVICE FUNDS"

**Following:** "DEFENDER;"



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**Strike:** remainder of line 7 through "MCA;" on line 11

**Following:** "PROVIDING" on line 11

**Insert:** "AN"

**Strike:** "DATES"

**Insert:** "DATE"

2. Page 1, line 15 through page 29, line 31.

**Strike:** everything after the enacting clause

**Insert:**

And, as amended, be concurred in. Report adopted.

**MESSAGES FROM THE GOVERNOR**

April 6, 2007

The Honorable Scott Sales  
Speaker of the House  
State Capitol  
Helena, MT 59620

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, MT 59620

Dear Speaker Sales and President Cooney:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto House Bill (HB) 469, "AN ACT CLARIFYING THAT PROPERTY OWNED BY COMMERCIAL MOBILE RADIO SERVICE PROVIDERS IS TAXED AS CLASS FOUR COMMERCIAL PROPERTY AND CLASS EIGHT PERSONAL PROPERTY; CLARIFYING THAT PROPERTY OWNED BY COMMERCIAL MOBILE RADIO SERVICE PROVIDERS MAY NOT BE CENTRALLY ASSESSED FOR PROPERTY TAX PURPOSES; AMENDING SECTIONS 15-1-402, 15-6-138, 15-6-156, AND 15-23-101, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

HB 469 purports to "clarify" existing Montana law regarding, first, the property tax classification of wireless phone company property and, second, the method of assessment of this wireless property. HB 469 does not, as its title suggests, "clarify" existing Montana law. Rather, under the guise of "clarifying" existing law, HB 469 would actually *reverse* existing law and codify the improper practices of past Administrations, which failed to correctly implement Montana's tax codes as enacted by the Legislature.

Specifically, HB 469 claims to "clarify" existing Montana law by exempting wireless phone company property from the current statute defining property that is centrally assessed. See section 4 of the bill, amending Mont. Code Ann. § 15-23-101. Contrary to its title, HB 469 does not "clarify" the valuation method to be used for assessing wireless phone company property. Rather, HB 469 carves out an exception to the current law, specifically and expressly for wireless phone company property (as defined in the bill, "property owned by commercial mobile radio service providers").

Likewise, with regard to the property tax classification of wireless property, rather than "clarifying" current law, HB

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469 would amend the current legislative classification of “centrally assessed telecommunications service companies” as class thirteen property to carve out an exception specifically and expressly for wireless phone company property. *See* section 3 of the bill, amending Mont. Code Ann. § 15-6-156.

The title to HB 469 represents the bill as “clarifying” current law regarding taxation of property owned by commercial mobile radio service providers. However, current law already speaks clearly for itself. Indeed, the Department of Revenue’s legal conclusion was confirmed by your own Legislative Auditor, who advised both the Legislature and the department that Montana statutes require the central assessment of wireless phone company property.

Rather than “clarifying” current law, HB 469 ratifies the unlawful practice of prior Administrations, which failed to properly implement the tax laws enacted by the Legislature. As concluded by the Legislative Auditor, it was a mistake for past Administrations to grant millions of dollars of tax breaks to wireless telephone companies, contrary to Montana statutes and at the expense of homeowners, farmers, ranchers, and other businesses. HB 469 ratifies the past unlawful practice and rewards past mistakes. However, let me be clear. HB 469 does not “clarify” current law. HB 469 changes it.

As a final addendum, I unfortunately must also let you know that this past practice has created financial risks for local governments and schools. It is likely no coincidence that on the day after HB 469 was transmitted to my office, Montana’s largest telecommunications company filed a constitutional complaint to the tax methods endorsed by this bill. That challenge is based on a claim of discrimination due to the more favorable treatment of wireless phone company property as compared to traditional landline telephone property under the practice adopted by past Administrations. HB 469 thus attempts to engrave into Montana statutes what has been alleged as a constitutional discrimination claim in a formal legal proceeding.

Montana needs to value and tax comparable property equally. HB 469 is bad policy, bad precedent, and both legally and financially risky to Montana taxpayers. The bill title, itself, is at best misleading. For these multiple reasons, I veto HB 469.

Sincerely,

BRIAN SCHWEITZER  
GOVERNOR

April 3, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 45** sponsored by Senator Weinberg on April 3, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 3, 2007

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The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 108** sponsored by Senator Cocchiarella on April 3, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 3, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 319** sponsored by Senator Cocchiarella on April 3, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 3, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 323** sponsored by Senator Laslovich on April 3, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 5, 2007

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The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 116** sponsored by Senator Brueggeman on April 5, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 5, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 119** sponsored by Senator Moss on April 5, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 5, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 124** sponsored by Senator Harrington on April 5, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 5, 2007

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The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 141** sponsored by Senator Laslovich on April 5, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 5, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 178** sponsored by Senator Lewis on April 5, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 5, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 208** sponsored by Senator J. Tropila on April 5, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 5, 2007

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The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 239** sponsored by Senator Balyeat on April 5, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 5, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 322** sponsored by Senator Brueggeman on April 5, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 5, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 328** sponsored by Senator Steinbeisser on April 5, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 5, 2007

SENATE JOURNAL  
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The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 385** sponsored by Senator Cobb on April 5, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 5, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 479** sponsored by Senator Elliott on April 5, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

**MESSAGES FROM THE OTHER HOUSE**

<b>Senate bill</b> concurred in and returned to the Senate:	4/5/2007
<b>SB 181</b> , introduced by Cobb	
<b>Senate bill</b> concurred in and returned to the Senate:	4/5/2007
<b>SB 251</b> , introduced by Larson	
<b>Senate bill</b> concurred in and returned to the Senate:	4/5/2007
<b>SB 266</b> , introduced by Shockley	
<b>Senate bill</b> concurred in and returned to the Senate:	4/5/2007
<b>SB 370</b> , introduced by Tash	
<b>Senate bill</b> concurred in and returned to the Senate:	4/5/2007

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**SB 374**, introduced by Cooney

**Senate bill** concurred in and returned to the Senate: 4/5/2007

**SB 414**, introduced by Laslovich

**Senate bill** concurred in and returned to the Senate: 4/5/2007

**SB 422**, introduced by Gebhardt

**Senate bill** concurred in and returned to the Senate: 4/5/2007

**SB 442**, introduced by Kaufmann

**Senate bill** concurred in and returned to the Senate: 4/5/2007

**SB 443**, introduced by Squires

**Senate bill** concurred in and returned to the Senate: 4/5/2007

**SB 444**, introduced by Wanzenried

**Senate joint resolution** concurred in and returned to the Senate: 4/5/2007

**SJR 4**, introduced by Curtiss

**Senate bill not** concurred in and returned to the Senate: 4/2/2007

**SB 152**, introduced by Ryan

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 4/5/2007

**SB 27**, introduced by Esp

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 4/5/2007

**SB 31**, introduced by Esp

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 4/5/2007

**SB 41**, introduced by Elliott

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 4/5/2007

**SB 48**, introduced by Esp

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 4/5/2007

**SB 49**, introduced by Esp



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**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 4/5/2007  
**SB 89**, introduced by Williams

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 4/5/2007  
**SB 96**, introduced by Williams

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 4/5/2007  
**SB 100**, introduced by Jent

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 4/5/2007  
**SB 121**, introduced by Elliott

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 4/5/2007  
**SB 130**, introduced by Story

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 4/5/2007  
**SB 133**, introduced by Essmann

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 4/5/2007  
**SB 147**, introduced by Shockley

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 4/5/2007  
**SB 172**, introduced by J. Tropila

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 4/5/2007  
**SB 213**, introduced by Cobb

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 4/5/2007  
**SB 222**, introduced by Esp

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 4/5/2007  
**SB 225**, introduced by Moss

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 4/5/2007  
**SB 227**, introduced by Laslovich

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 4/5/2007

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**SB 233**, introduced by Elliott

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 4/5/2007

**SB 258**, introduced by Shockley

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 4/5/2007

**SB 276**, introduced by Steinbeisser

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 4/5/2007

**SB 284**, introduced by Moss

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 4/5/2007

**SB 291**, introduced by Perry

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 4/5/2007

**SB 312**, introduced by Lind

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 4/5/2007

**SB 324**, introduced by Jackson

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 4/5/2007

**SB 342**, introduced by Squires

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 4/5/2007

**SB 354**, introduced by Lind

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 4/5/2007

**SB 363**, introduced by Kaufmann

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 4/5/2007

**SB 365**, introduced by Story

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 4/5/2007

**SB 379**, introduced by Laslovich

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 4/5/2007

**SB 384**, introduced by Wanzenried

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**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 4/5/2007  
**SB 393**, introduced by Gillan

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 4/5/2007  
**SB 404**, introduced by Lind

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 4/5/2007  
**SB 419**, introduced by Lind

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 4/5/2007  
**SB 424**, introduced by Moss

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 4/5/2007  
**SB 433**, introduced by Laslovich

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 4/5/2007  
**SB 449**, introduced by Gillan

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 4/5/2007  
**SB 478**, introduced by Weinberg

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 4/5/2007  
**SB 486**, introduced by Shockley

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 4/5/2007  
**SB 489**, introduced by Cocchiarella

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 4/5/2007  
**SB 491**, introduced by Moss

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 4/5/2007  
**SB 492**, introduced by Gebhardt

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 4/5/2007  
**SB 497**, introduced by Moss

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 4/5/2007

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**SB 505**, introduced by Squires

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 4/5/2007

**SB 518**, introduced by Perry

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 4/5/2007

**SB 525**, introduced by Elliott

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 4/5/2007

**SB 527**, introduced by Gillan

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 4/5/2007

**SB 538**, introduced by Elliott

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 4/5/2007

**SB 547**, introduced by Perry

**Senate joint resolution** concurred in as amended and returned to the Senate for concurrence in House amendments: 4/5/2007

**SJR 12**, introduced by Brueggeman

**Senate joint resolution** concurred in as amended and returned to the Senate for concurrence in House amendments: 4/5/2007

**SJR 25**, introduced by J. Peterson

**House bill** passed and transmitted to the Senate for concurrence: 4/3/2007

**HB 665**, introduced by Arntzen

**House bill** passed and transmitted to the Senate for concurrence: 4/3/2007

**HB 746**, introduced by Erickson

**HB 833**, introduced by Stahl, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and was transmitted to the Senate with the following vote: 4/4/2007

Yeas - 76

Nays - 23

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 4/3/2007

**SB 51**, introduced by Hawks

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 4/3/2007

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**SB 200**, introduced by Lewis

**MOTIONS**

**SEN. JOE BALYEAT, SD 34, BOZEMAN** moved to reconsider action on **HB 650** requesting it be put on third reading the 75th Legislative day. Motion failed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 24

Nays: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 26

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SEN. ROY BROWN, SD 25, BILLINGS** moved to take **HB 713** from the table moving it to second reading on the 75th Legislative day. Motion failed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash, J.Tropila.

Total 25

Nays: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 25

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SEN. JOHN BRUEGGEMAN, SD 6, POLSON** moved to change his vote taken on the 73rd Legislative day on **HB 25** from "yes" to "no". Motion carried.

**FIRST READING AND COMMITMENT OF BILLS**

The following House bills were introduced, read first time, and referred to committees:

**HB 27**, introduced by Driscoll, referred to Natural Resources and Energy.

**HB 39**, introduced by McNutt, referred to Natural Resources and Energy.

**HB 148**, introduced by Grinde, referred to Public Health, Welfare and Safety.

**HB 179**, introduced by French, referred to State Administration.

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**HB 665**, introduced by Arntzen, referred to Business, Labor, and Economic Affairs.

**HB 840**, introduced by Hilbert, referred to Highways and Transportation.

**SPECIAL ORDERS OF THE DAY**

**LEGISLATIVE ADMINISTRATION** (Smith, Chairman):

4/10/2007

MR. PRESIDENT:

We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 9:00 a.m., Thursday, April 5, 2007:

TITLE

NAME

Pages:

Ryan Arthun, Wilsall  
Tyler Zupan, Wilsall  
Elizabeth Redfern, Missoula  
Shelby Shaw, Butte  
Steel Anderson, Wilsall

and recommend that the following attaches of the Senate be employed as of 9:00 a.m., Monday, April 9, 2007:

TITLE

NAME

Pages:

Will Townsend, White Sulphur Springs  
Dylan Brown, Missoula  
Jamie Foy, Anaconda  
Chelsea Brauer, Forsyth  
Jessica Buckless, Polson  
Vance Larsen, Gerladine  
Rebecca Bitz, Trout Creek

Report Adopted.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 1:00 p.m., Tuesday, April 10, 2007. Motion carried.

Senate adjourned at 5:37 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

**SENATE JOURNAL  
60TH LEGISLATURE  
SEVENTY-FIFTH LEGISLATIVE DAY**

Helena, Montana  
April 10, 2007

Senate Chambers  
State Capitol

Senate convened at 1:00 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 43

Nays: Balyeat, Gebhardt, Jackson, Lind, McGee, O'Neil, Shockley.  
Total 7

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**REPORTS OF STANDING COMMITTEES**

**FINANCE AND CLAIMS** (Schmidt, Chairman):  
**HB 1**, be amended as follows:

4/10/2007

1. Page 3, following line 1.

**Insert:** "Highway Patrol Division

Federal forfeiture        2007    \$257,660    federal

All remaining fiscal year 2007 federal budget amendment authority for the federal forfeiture funds is authorized to continue into state fiscal year 2008.

Division of Criminal Investigation

Federal forfeiture    2007    \$223,750    federal"

2. Page 3, following line 4.

**Insert:** "Public Service Commission

Public Service Regulation Program

One-call grant        2007    \$7,080    federal

All remaining fiscal year 2007 federal budget amendment authority for the one-call grant is authorized to continue into state fiscal year 2008."

3. Page 3, following line 16.

**Insert:** "Library Program

Map conservation assessment    2007    \$4,905    federal

Administrative expenses, scholarships, Montana state historical records advisory board    2007    \$9,275    federal

All remaining fiscal year 2007 federal budget amendment authority for the map conservation assessment grant and the Montana state historical records advisory board grant is authorized to continue into state fiscal year 2008."

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4. Page 4, following line 21.

**Insert:** "Big Hole focus area 2008 \$34,812 federal"

5. Page 5, following line 14.

**Insert:** "All remaining fiscal year 2008 federal budget amendment authority for the Big Hole focus area grant is authorized to continue into state fiscal year 2009."

6. Page 5, following line 29.

**Insert:** "Sagebrush grassland focus 2008 \$145,188 federal"

7. Page 6, following line 17.

**Insert:** "All remaining fiscal year 2008 federal budget amendment authority for the sagebrush grassland focus grant is authorized to continue into state fiscal year 2009."

8. Page 7, following line 8.

**Insert:** "Libby asbestos grant 2007 \$1,300,000 federal"

9. Page 7, line 10.

**Following:** "sites"

**Insert:** "and the Libby asbestos grant"

10. Page 7, line 26.

**Strike:** "\$32,000"

**Insert:** "\$67,000"

11. Page 7, following line 27.

**Insert:** "Big Hole grant 2007 \$25,000 federal"

12. Page 7, line 29.

**Following:** "IN"

**Insert:** "the"

**Following:** "PROGRAM"

**Insert:** "and the Big Hole grant"

**Following:** "INTO"

**Strike:** "STATE"

**Insert:** "federal"

13. Page 8, following line 8.

**Insert:** "Natural resources conservation service grant 2007 \$20,000 federal

Northwest region conservation development 2007 \$6,000 federal

Bitterroot technical service 2007 \$6,000 federal

Headwaters technical service 2007 \$6,000 federal"

14. Page 8, line 10.

**Following:** "GRANT,"

**Strike:** "AND"

**Following:** "GRANT"

**Insert:** ", and the natural resources conservation service grant"



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15. Page 10, following line 16.

**Insert:** "2005 predisaster mitigation competitive grant 2007 \$3,000,000 federal"

16. Page 10, following line 25.

**Insert:** "Food stamp bonus grant 2007 \$294,840 federal"

17. Page 11, following line 2.

**Insert:** "Clinical decisionmaking 2007 \$853,122 federal

All remaining fiscal year 2007 federal budget amendment authority for the clinical decisionmaking grant is authorized to continue into federal fiscal year 2008."

18. Page 11, following line 13.

**Insert:** "Disability Services Division

All remaining fiscal year 2007 federal budget amendment authority for the general supervision enhancement grant is authorized to continue into federal fiscal year 2007."

19. Page 11, following line 15.

**Insert:** "Traumatic brain injury grant 2007 \$118,597 federal"

20. Page 11, line 17.

**Following:** "grant"

**Insert:** "and the traumatic brain injury grant"

And, as amended, be concurred in. Report adopted.

**HB 3**, be amended as follows:

1. Page 1, line 21.

**Strike:** "\$18,197,300"

**Insert:** "\$23,379,726"

2. Page 1, following line 21.

<b>Insert:</b> "Administrative Services	\$2,666,599	General Fund
Community Corrections	\$1,112,839	General Fund
Montana Correctional Enterprises	\$65,000	General Fund
Youth Services Division	\$1,051,383	General Fund"

3. Page 1, line 25.

**Strike:** "\$21,500,000"

**Insert:** "\$25,000,000"

And, as amended, be concurred in. Report adopted.

**HB 592**, be amended as follows:

1. Title, page 1, line 4.

**Following:** "MONEY"

**Insert:** "TO THE DEPARTMENT OF TRANSPORTATION"

2. Title, page 1, line 5.

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**Following:** "MEMORIAL"

**Insert:** "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 1, line 11.

**Following:** "appropriated"

**Insert:** "to the department of transportation"

4. Page 1, line 12.

**Strike:** "general fund"

**Insert:** "department of transportation state special revenue fund"

**Following:** "for"

**Insert:** "the period including"

5. Page 1, following line 13.

**Insert:** "NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval."

And, as amended, be concurred in. Report adopted.

**JUDICIARY** (Laslovich, Chairman):

4/10/2007

**HB 677**, be concurred in. Report adopted.

**HJR 25**, be concurred in. Report adopted.

**TAXATION** (Elliott, Chairman):

4/10/2007

**HB 40**, be concurred in. Report adopted.

**HB 257**, be amended as follows:

1. Title, line 8.

**Following:** "TAXPAYER;"

**Insert:** "PROVIDING FOR A FEE FOR MONITORING COMPLIANCE WITH THE MONTANA TAXPAYER BILL OF RIGHTS;"

**Strike:** "SECTION"

**Insert:** "SECTIONS"

**Following:** "15-1-122"

**Insert:** "AND 15-1-223"

2. Page 2, line 27.

**Insert:** "**Section 2.** Section 15-1-223, MCA, is amended to read:

**"15-1-223. Office of taxpayer assistance.** (1) The department of revenue shall establish and maintain an office of taxpayer assistance.

(2) The office shall assist taxpayers by:

(a) providing easily understandable tax information on audits and corrections and review procedures of the department;

(b) providing easily understandable information on appeal procedures;

(c) answering questions regarding preparing and filing of returns and reports with the department; and

(d) locating documents or payments filed with or submitted to the department.

(3) The office of taxpayer assistance shall also:

(a) receive and evaluate complaints related to improper or abusive behavior or inefficient service provided by employees of the department and recommend appropriate action to the director of the department ~~of revenue~~ to resolve the complaints;

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- (b) compile data on the number and type of taxpayer complaints received and evaluate the actions taken to resolve complaints;
- (c) survey taxpayers to obtain their evaluation of the quality of service provided by the department;
- (d) monitor the department's compliance with the taxpayer bill of rights and report any abuses to the director of the department;
- (e) monitor the department's collection activities to:
  - (i) report any abuses in collection activities by the department to the director;
  - (ii) recommend to the director whether a particular collection activity should be stopped if the taxpayer has not had an adequate opportunity to discuss alternative means of payment; and
- (f) perform any other functions that the director may assign to assist taxpayers in complying with Montana's tax laws.

(4) The department may charge a fee of \$1 for processing a complaint."

**Renumber:** subsequent section

And, as amended, be concurred in. Report adopted.

**HB 337**, be amended as follows:

1. Title, line 7.

**Following:** "DISABILITY"

**Insert:** "INCOME"

2. Title, line 9.

**Following:** "DISABILITY"

**Insert:** "INCOME"

3. Title, lines 10 and 11.

**Strike:** "LIMITING" on line 10 through "FIREFIGHTERS;" on line 11

4. Title, line 12.

**Following:** line 11

**Insert:** "AND"

**Strike:** "AND 39-71-118,"

5. Page 1, line 16.

**Following:** "Disability"

**Insert:** "income"

**Following:** "authorized"

**Insert:** "-- voted levy -- fund"

**Following:** "(1)"

**Insert:** "Disability income insurance, as defined in 33-1-235, purchased for volunteer firefighters must provide that:

(a) payments or benefits are paid only if the firefighter is receiving compensation under workers' compensation for an injury received as a volunteer firefighter; and

(b) the duration of payments or benefits may not exceed the lesser of 1 year or until the workers' compensation treating physician determines that the beneficiary is no longer disabled.

(2)"

**Renumber:** subsequent subsections

6. Page 1, line 17.

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**Following:** "DISABILITY"

**Insert:** "income"

7. Page 1, line 18.

**Following:** "disability"

**Insert:** "income"

8. Page 1, line 21.

**Following:** "disability"

**Insert:** "income"

**Following:** "coverage"

**Insert:** "meeting the provisions of subsection (1)"

9. Page 1, line 28.

**Following:** "DISABILITY"

**Insert:** "income"

10. Page 2, line 7.

**Following:** "DISABILITY"

**Insert:** "income"

11. Page 2, line 8.

**Following:** "DISTRICT"

**Insert:** "as provided in [section 1]"

12. Page 2, line 24.

**Following:** "DISABILITY"

**Insert:** "income"

13. Page 3, line 3.

**Following:** "DISABILITY"

**Insert:** "income"

14. Page 3, line 4.

**Following:** "COMPANIES"

**Insert:** "as provided in [section 1]"

15. Page 3, line 7.

**Following:** "DISABILITY"

**Insert:** "income"

16. Page 3, line 15.

**Following:** "disability"

**Insert:** "income"

17. Page 3, line 16.

**Following:** "area"

**Insert:** "as provided in [section 1]"

18. Page 3, line 23.

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**Following:** "DISABILITY"

**Insert:** "income"

19. Page 4, line 8.

**Following:** "disability"

**Insert:** "income"

**Following:** "department"

**Insert:** "as provided in [section 1]"

20. Page 4, line 13.

**Following:** "DISABILITY"

**Insert:** "income"

21. Page 4, line 21.

**Following:** "DISABILITY"

**Insert:** "income"

22. Page 4, line 22.

**Following:** "DEPARTMENTS"

**Insert:** "as provided in [section 1]"

23. Page 4, line 24 through page 9, line 11.

**Strike:** section 7 in its entirety

**Renumber:** subsequent sections

And, as amended, be concurred in. Report adopted.

**HB 490**, be concurred in. Report adopted.

**HB 680**, be concurred in. Report adopted.

**MESSAGES FROM THE GOVERNOR**

April 5, 2007

The Honorable Scott Sales  
Speaker of the House  
State Capitol  
Helena, MT 59620

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, MT 59620

Dear Speaker Sales and President Cooney:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill 168, "AN ACT REVISING THE MANDATORY CASH PAYMENT FOR VACATION LEAVE UPON TERMINATION; CLARIFYING THE USE OF VACATION LEAVE

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PAYMENTS UPON TERMINATION AS PERMISSIBLE CONTRIBUTIONS FOR A VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION; AMENDING SECTIONS 2-18-601, 2-18-617, AND 2-18-1311, MCA; AND PROVIDING AN EFFECTIVE DATE. My proposed amendment clarifies that for an employee who is a member of a Voluntary Employee's Benefit Association (VEBA) if unused annual leave is a contribution source for their account, upon separation from service the annual leave may only be donated to their account and not paid out in cash.

Senate Bill 168 authorizes the addition of annual leave to a VEBA account. My proposed amendment clarifies that an employee may not receive a cash out of their annual leave and a contribution to their VEBA account upon termination. If an employee is not a member of a VEBA, they will still receive a cash out of their unused leave.

Sincerely,

BRIAN SCHWEITZER  
GOVERNOR

cc: Legislative Services Division

Amendments to Senate Bill No. 168  
Reference Copy  
Requested by the Governor  
For the Senate Committee of the Whole  
Prepared by Greg Petesch  
August 27, 2008 (3:52pm)

1. Page 3, line 25.

**Following:** "~~2-18-611~~"

**Insert:** "if the employee is not subject to subsection (2)(b)"

**MOTIONS**

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** moved appointment of a conference committee on **SB 118** appointing Senators Cobb, Wanzenried and Laslovich as the committee. Motion carried unanimously.

**SEN. AUBYN CURTISS, SD 1, FORTINE** moved **HJR 31** be taken off the table in Natural Resources Committee and put on second reading the 76th Legislative day. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Kitzenberg, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 25

Nays: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 25

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator J. Peterson in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 19** - Senator Larson moved **HB 19** be concurred in. Motion carried unanimously.

**HB 139** - Senator Brueggeman moved **HB 139** be concurred in. Motion carried unanimously.

**HB 540** - Senator Barkus moved **HB 540** be concurred in. Motion carried unanimously.

**HB 583** - Senator Wanzenried moved **HB 583** be concurred in. Motion carried as follows:

Yeas: Balyeat, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Kitzenberg, Laible, Larson, Laslovich, Lind, Moss, Pease, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 33

Nays: Bales, Barkus, Esp, Gebhardt, Jackson, Lewis, McGee, Murphy, O'Neil, Perry, Shockley, Story, Tash.

Total 13

Absent or not voting: Juneau, Kaufmann, Stapleton.

Total 3

Excused: Cobb.

Total 1

**HB 77** - Senator Esp moved **HB 77** be concurred in. Motion carried unanimously.

**HJR 45** - Senator J. Tropila moved **HJR 45** be concurred in. Motion carried as follows:

Yeas: Bales, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 42

Nays: Balyeat, Barkus, Esp, Gebhardt, O'Neil, Shockley.

Total 6

Absent or not voting: Stapleton.

Total 1

Excused: Cobb.

Total 1

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**HB 778** - Senator Story moved **HB 778** be concurred in. Motion carried with Senator Barkus, Hawks, Gebhardt, Essmann, O'Neil voting nay.

**SB 102 - House Amendments** - Senator Lind moved House amendments to **SB 102** be concurred in. Motion carried unanimously.

**SB 175 - House Amendments** - Senator Squires moved House amendments to **SB 175** be concurred in. Motion carried unanimously.

**SB 269 - House Amendments** - Senator Larson moved House amendments to **SB 269** be concurred in. Motion carried unanimously.

**SB 369 - House Amendments** - Senator Smith moved House amendments to **SB 369** be concurred in. Motion carried unanimously.

**SB 225 - House Amendments** - Senator Moss moved House amendments to **SB 225** be concurred in. Motion carried unanimously.

**SB 50 - House Amendments** - Senator Gallus moved House amendments to **SB 50** be concurred in. Motion carried unanimously.

**SB 95 - House Amendments** - Senator Smith moved House amendments to **SB 95** be concurred in. Motion carried unanimously.

**SB 145 - House Amendments** - Senator Shockley moved House amendments to **SB 145** be concurred in. Motion carried unanimously.

**SB 214 - House Amendments** - Senator Lewis moved House amendments to **SB 214** be concurred in. Motion carried with Senator Esp voting nay.

**SB 289 - House Amendments** - Senator Gallus moved House amendments to **SB 289** be concurred in. Motion carried unanimously.

**SB 339 - House Amendments** - Senator Murphy moved House amendments to **SB 339** be concurred in. Motion carried unanimously.

**SB 118 - House Amendments** - Senator Cobb moved House amendments to **SB 118** not be concurred in. Motion carried as follows:

Yeas: Bales, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Peterson, Schmidt, Smith, Squires, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 36

Nays: Balyeat, Barkus, Esp, Essmann, Gebhardt, Jackson, McGee, Murphy, O'Neil, Perry, Shockley, Stapleton, Steinbeisser.  
Total 13

Absent or not voting: Ryan.  
Total 1



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Excused: None.  
Total 0

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman J. Peterson moved the Committee of the Whole report be adopted. Report adopted unanimously.

**SPECIAL ORDERS OF THE DAY**

**SEN. CAROLYN SQUIRES, SD 48, MISSOULA** moved **SR 8** be adopted. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 47

Nays: Cobb, Gebhardt, Jackson.  
Total 3

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 9:00 a.m., Wednesday, April 11, 2007. Motion carried.

Senate adjourned at 2:16 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

**SENATE JOURNAL  
60TH LEGISLATURE  
SEVENTY-SIXTH LEGISLATIVE DAY**

Helena, Montana  
April 11, 2007

Senate Chambers  
State Capitol

Senate convened at 9:00 a.m. President Cooney presiding. Invocation by Rep. Jonathan Windy Boy, Chippewa Cree Tribe. Pledge of Allegiance to the Flag.

Roll Call. Senator Wanzenried excused. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Story, Tash, J.Tropila, M.Tropila, Weinberg, Williams, Mr. President.  
Total 38

Nays: Balyeat, Essmann, Gebhardt, Jackson, Lind, McGee, O'Neil, Shockley, Stapleton, Steinbeisser.  
Total 10

Absent or not voting: None.  
Total 0

Excused: Juneau, Wanzenried.  
Total 2

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** and **SEN. COREY STAPLETON, SD 27, BILLINGS** called for Democrats and Republicans to caucus.

Roll Call. All Senators present. Quorum present.

Yeas: Bales, Barkus, Black, Brueggeman, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 39

Nays: Balyeat, Brown, Cobb, Esp, Gebhardt, Jackson, Lind, McGee, O'Neil, Shockley, Stapleton.  
Total 11

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**REPORTS OF STANDING COMMITTEES**

**LOCAL GOVERNMENT** (Gillan, Chairman):  
**HB 49**, be amended as follows:

4/11/2007

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1. Page 1, line 15.

**Strike:** "and authorities"

2. Page 1, line 25 through line 26.

**Strike:** subsection (b) in its entirety

**Renumber:** subsequent subsections

3. Page 2, line 15.

**Following:** "and"

**Insert:** "and"

4. Page 2, line 16 through line 17.

**Strike:** "; AND" on line 16 through "MEMBER" on line 17

5. Page 2, line 25.

**Following:** "districts"

**Strike:** "and" through "port authorities"

6. Page 3, line 3.

**Following:** "\$20,000"

**Insert:** "for the biennium beginning July 1, 2007,"

And, as amended, be concurred in. Report adopted.

**HIGHWAYS AND TRANSPORTATION** (Pease, Chairman):

4/11/2007

**HB 556**, be concurred in. Report adopted.

**NATURAL RESOURCES AND ENERGY** (Lind, Chairman):

4/11/2007

**HB 304**, be concurred in. Report adopted.

**HB 569**, be concurred in. Report adopted.

**HB 611**, be concurred in. Report adopted.

**MESSAGES FROM THE GOVERNOR**

April 11, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 60** sponsored by Senator Cobb on April 10, 2007.

Sincerely,

BRIAN SCHWEITZER

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Governor

April 11, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 77** sponsored by Senator Laible on April 11, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 11, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 164** sponsored by Senator Gallus on April 11, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 11, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 170** sponsored by Senator Perry on April 11, 2007.

Sincerely,

BRIAN SCHWEITZER

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Governor

April 11, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 203** sponsored by Senator Balyeat on April 11, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 11, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 245** sponsored by Senator McGee on April 11, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 11, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 341** sponsored by Senator Lewis on April 11, 2007.

Sincerely,

BRIAN SCHWEITZER

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Governor

April 11, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 466** sponsored by Senator Cocchiarella on April 11, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 11, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 467** sponsored by Senator Cocchiarella on April 10, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 10, 2007

The Honorable Scott Sales  
Speaker of the House  
State Capitol  
Helena, MT 59620

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, MT 59620

Dear Speaker Sales and President Cooney:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I

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hereby return with amendments House Bill 259, "AN ACT DEFINING TERMS; RESTRICTING THE USE AND LOCATION OF GRAY WATER REUSE SYSTEMS; DIRECTING THE BOARD OF ENVIRONMENTAL REVIEW TO CREATE RULES REGULATING RESIDENTIAL GRAY WATER REUSE SYSTEMS; AMENDING SECTION 75-5-305, MCA; AND PROVIDING AN APPLICABILITY CLAUSE."

House Bill 259 creates a regulatory system for wastewater treatment of "gray water," which is reusable, separate from other wastewaters. As drafted, the definitions in section 1 of the bill do not apply to section 3 of the bill, even though the terms defined in section 1 are used in section 3. My proposed amendment, a copy of which is attached, simply clarifies what appears to have been an oversight in drafting.

I have discussed my proposed amendment with the sponsor of the bill, Representative Reinhart, who has expressed her support.

Sincerely,

BRIAN SCHWEITZER  
GOVERNOR

cc: Legislative Services Division

Amendments to House Bill No. 259

1. Page 1, line 11.

**Strike:** "[sections" through "4]"

**Insert:** "this part"

**MESSAGES FROM THE OTHER HOUSE**

**HB 24** - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **HB 24**.

4/10/2007

Representative Klock, Chair  
Representative Groesbeck  
Representative Rice

**HB 608** - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **HB 608**:

4/10/2007

Representative Olson, Chair  
Representative Wells  
Representative Jayne

**HB 668** - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **HB 668**:

4/10/2007

Representative Stahl, Chair  
Representative Everett  
Representative Kottel

**HB 715** - The House acceded to the request of the Senate and authorized the Speaker to appoint the following

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Conference Committee to meet with a like committee from the Senate to confer on House amendments to **HB 715:**  
4/10/2007

Representative Olson, Chair  
Representative Himmelberger  
Representative Driscoll

**HB 766** - The House acceded to the request of the Senate and authorized the Speaker to appoint the following  
Conference Committee to meet with a like committee from the Senate to confer on House amendments to **HB 766:**  
4/10/2007

Representative Sonju, Chair  
Representative Mendenhall  
Representative Keane

**MOTIONS**

**SEN. KEITH BALES, SD 20, OTTER** moved to change his vote on **SB 369** from "no" to "yes". Motion carried.

**SEN. DAVE LEWIS, SD 42, HELENA** moved to change his vote on **HB 583** from "yes" to "no". Motion carried

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate joint resolutions were introduced, read first time, and referred to committees:

**SJR 28**, introduced by Hawks, referred to Education and Cultural Resources.

**SJR 29**, introduced by Balyeat, Cocchiarella, Lewis, Brown, J. Tropila, Smith, Jackson, Steinbeisser, Larson, Squires, Weinberg, Stahl, Keane, Mendenhall, Koopman, referred to Business, Labor, and Economic Affairs.

**SJR 30**, introduced by Smith, Cocchiarella, Ryan, Brown, J. Tropila, Jackson, Steinbeisser, Larson, referred to Business, Labor, and Economic Affairs.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 19** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzienried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0



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Excused: None.  
Total 0

**HB 139** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: Schmidt.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 540** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 583** concurred in as follows:

Yeas: Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 33

Nays: Bales, Balyeat, Barkus, Esp, Gebhardt, Jackson, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 17

Absent or not voting: None.

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Total 0

Excused: None.

Total 0

**HB 77** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HJR 45** concurred in as follows:

Yeas: Bales, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 44

Nays: Balyeat, Barkus, Esp, Gebhardt, O'Neil, Shockley.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 778** concurred in as follows:

Yeas: Bales, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gillan, Hansen, Harrington, Jackson, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 43

Nays: Balyeat, Barkus, Essmann, Gebhardt, Hawks, Juneau, O'Neil.

Total 7

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 225**, house amendments, be concurred in as follows:

Yeas: Bales, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 45

Nays: Balyeat, Barkus, McGee, O'Neil, Stapleton.  
Total 5

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 50**, house amendments, be concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 102**, house amendments, be concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.

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Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 175**, house amendments, be concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: McGee.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 269**, house amendments, be concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: McGee.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 369**, house amendments, be concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 47

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Nays: Black, McGee, Story.  
Total 3

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 95**, house amendments, be concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 145**, house amendments, be concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: McGee.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 214**, house amendments, be concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg,

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Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 289**, house amendments, be concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 339**, house amendments, be concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

Senate recessed at 11:50 a.m. Convened at 1:00 p.m.

Roll Call. All Senators present. Quorum present.

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Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 40

Nays: Balyeat, Brown, Essmann, Gebhardt, Jackson, Lind, McGee, O'Neil, Ryan, Shockley.  
Total 10

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Laslovich in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 818** - Senator Story moved **HB 818**, second reading copy, be amended as follows:

1. Page A-1.

**Following:** line 15

**Insert:** "a. Tax Policy and Education Research and Analysis (Restricted/Biennial)  
600,000" [general fund FY08]

Amendment **not** adopted as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Gillan, Jackson, Laible, Lewis, Murphy, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 22

Nays: Balyeat, Cocchiarella, Elliott, Gallus, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, O'Neil, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 27

Absent or not voting: None.  
Total 0

Excused: McGee.  
Total 1

**HB 818** - Senator Laible moved **HB 818**, second reading copy, be amended as follows:

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1. Page A-1.

**Following:** line 15

**Insert:** "a. Government Performance Training (Restricted/Biennial/OTO)  
18,900" [general fund FY08]

Amendment adopted as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Jent, Laible, Lewis, McGee, Murphy, Perry, Peterson, Ryan, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash.  
Total 25

Nays: Balyeat, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, O'Neil, Pease, Schmidt, Smith, J.Tropila, M.Tropila, Weinberg, Williams, Mr. President.  
Total 23

Absent or not voting: None.  
Total 0

Excused: Jackson, Wanzenried.  
Total 2

**HB 818** - Senator Laible moved **HB 818**, second reading copy, be amended as follows:

1. Page A-1.

**Following:** line 15.

**Insert:** "a. MBARS Changes to Allow Multiple Budgeting Bills (Restricted/Biennial/OTO)  
200,000" [general fund FY08]

Amendment **not** adopted as follows:

Yeas: Bales, Black, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, Murphy, Perry, Peterson, Steinbeisser, Story, Tash.  
Total 17

Nays: Balyeat, Barkus, Brown, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, O'Neil, Pease, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 32

Absent or not voting: None.  
Total 0

Excused: McGee.  
Total 1

**HB 818** - Senator Harrington moved **HB 818**, second reading copy, be amended as follows:

1. Page A-1.

**Following:** line 13



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**Insert:** "b. Constituency Account (Restricted/Biennial/OTO) 137,500 137,500" [general fund FY08 and FY09]

2. Page A-1.

**Following:** line 23

**Insert:** "Constituency Account is restricted to use by members of the legislature during the interim up to one month prior to a primary or general election in which the member is a participant, for travel, communication and education reimbursement for member who do not have a constituency account."

Amendment **not** adopted as follows:

Yeas: Cocchiarella, Gallus, Gebhardt, Harrington, Jackson, Kaufmann, Larson, Shockley, Williams.  
Total 9

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Elliott, Essmann, Gillan, Hansen, Hawks, Jent, Juneau, Kitzenberg, Laible, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Mr. President.  
Total 40

Absent or not voting: None.  
Total 0

Excused: Esp.  
Total 1

**HB 818** - Senator J. Peterson moved **HB 818**, second reading copy, be amended as follows:

1. Page A-1.

**Following:** line 15

**Insert:** "a. Tax Policy and Education Research and Analysis (Restricted/Biennial)  
600,000" [general fund FY08]

Amendment **not** adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Gillan, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 25

Nays: Cocchiarella, Elliott, Gallus, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 25

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 818** - Senator Schmidt moved **HB 818**, as amended, be concurred in. Motion carried as follows:

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Yeas: Bales, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gebhardt, Gillan, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 40

Nays: Balyeat, Barkus, Black, Brown, Essmann, McGee, O'Neil, Peterson, Shockley.

Total 9

Absent or not voting: None.

Total 0

Excused: Harrington.

Total 1

**HB 819** - Senator Schmidt moved **HB 819** be concurred in. Motion carried with Senator Balyeat, McGee, Bales, Essmann, Barkus, O'Neil voting nay.

Senator Williams moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Laslovich moved the Committee of the Whole report be adopted. Report adopted unanimously.

**SB 291** - Senator Perry moved **SB 291** do pass. Motion carried unanimously.

**HB 820** - Senator Schmidt moved **HB 820**, second reading copy, be amended as follows:

1. Page C-8.

**Following:** line 1

**Insert:** "g. Clark Fork River Basin Task Force (OTO) 45,000 45,000" [general fund FY08 and FY09]

Amendment **adopted** with Senator Wanzenreid, Juneau, M. Tropila, Smith, O'Neil, Moss, Balyeat, voting nay.

**HB 820** - Senator Schmidt moved **HB 820**, second reading copy, be amended as follows:

1. Page C-8.

**Following:** line 1

**Insert:** "g. Hungry Horse Dam Water Leasing Study  
(Restricted/Biennial/OTO) 130,000 130,000" [general fund FY08 and FY09]

Amendment **not** adopted as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Schmidt, Stapleton, Steinbeisser, Story, Tash, Weinberg.

Total 25

Nays: Balyeat, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Shockley, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Williams, Mr. President.

Total 25

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 820** - Senator Cobb moved **HB 820**, second reading copy, be amended as follows:

1. Page C-1.

**Following:** line 18

**Insert:** "a. Warden Vacancy Savings   212,545   213,424 [state special revenue FY08 and FY09]  
                                                          9,691   6,737 [federal special revenue]  
      b. Increased Snowmobile Fees   10,573   10,573" [state special revenue FY08 and FY09]

2. Page C-2.

**Following:** line 3

**Insert:** "b. Increased Snowmobile Fees   80,883   80,883" [state special revenue FY08 and FY09]

3. Page C-2.

**Following:** line 15

**Insert:** "d. Increased Snowmobile Fees   5,287   5,287" [state special revenue FY08 and FY09]

4. Page C-2.

**Following:** line 25

**Insert:** "If Senate Bill No. 205 is not passed and approved, Warden Vacancy Savings is void.  
      If House Bill No. 348 is not passed and approved, Increased Snowmobile Fees is void."

Amendment adopted with Senator Balyeat, O'Neil voting nay.

**HB 820** - Senator Cobb moved **HB 820**, second reading copy, be amended as follows:

1. Page C-3.

**Following:** line 10

**Insert:** "b. Recycling and Electronic Waste Disposal Education   16,500   16,500 [general fund FY08 and FY09]  
                                                          c. Expand Alternative Energy Program  
                                                          33,534   31,816   [general fund FY08 and FY09]  
                                                          289,117   289,117" [state special revenue FY08 and FY09]

2. Page C-3, line 24.

**Strike:** "13,633,712   13,635,303" [state special revenue FY08 and FY09]

**Insert:** "13,883,712   13,885,303"[state special revenue FY08 and FY09]

**Strike:** "5,527,720   5,526,296" [federal special revenue FY08 and FY09]

**Insert:** "5,277,720   5,276,296" [federal special revenue FY08 and FY09]

3. Page C-4.

**Following:** line 13

**Insert:** "i. Gray Water Permit   10,000 [state special revenue FY08]  
      j. Increased County Junk Vehicle Grants   171,397   173,593" [state special revenue FY08 and FY09]

4. Page C-4.

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**Following:** line 21

**Insert:** " If House Bill No. 555 is not passed and approved, Recycling and Electronic Waste Disposal Education is void.

If Senate Bill No. 445 is not passed and approved, Expand Alternative Energy Program is void."

5. Page C-4.

**Following:** line 27

**Insert:** "If House Bill No. 688 is not passed and approved,  
Permitting and Compliance Division is reduced by \$250,000 in state special revenue in fiscal year 2008 and fiscal year 2009 and increased by a like amount of federal special revenue in fiscal year 2008 and fiscal year 2009."

6. Page C-5.

**Following:** line 1

**Insert:** "If House Bill No. 259 is not passed and approved, Gray Water Permit is void.

If Senate Bill No. 261 is not passed and approved, Increased County Junk Vehicle Grants is void. "

Amendment adopted with Senator Brown, Balyeat, O'Neil voting nay.

**HB 820** - Senator Cobb moved **HB 820**, second reading copy, be amended as follows:

1. Page C-3.

**Following:** line 10

**Insert:** "b. Recycling and Electronic Waste Disposal Education   16,500   16,500 [general fund FY08 and FY09]  
c. Expand Alternative Energy Program  
33,534   31,816   [general fund FY08 and FY09]  
289,117   289,117" [state special revenue FY08 and FY09]

2. Page C-3, line 24.

**Strike:** "13,633,712   13,635,303" [state special revenue FY08 and FY09]

**Insert:** "13,883,712   13,885,303"[state special revenue FY08 and FY09]

**Strike:** "5,527,720   5,526,296" [federal special revenue FY08 and FY09]

**Insert:** "5,277,720   5,276,296" [federal special revenue FY08 and FY09]

3. Page C-4.

**Following:** line 13

**Insert:** "i. Gray Water Permit   10,000 [state special revenue FY08]

j. Increased County Junk Vehicle Grants   171,397   173,593" [state special revenue FY08 and FY09]

4. Page C-4.

**Following:** line 21

**Insert:** " If House Bill No. 555 is not passed and approved, Recycling and Electronic Waste Disposal Education is void.

If Senate Bill No. 445 is not passed and approved, Expand Alternative Energy Program is void."

5. Page C-4.

**Following:** line 27

**Insert:** "If House Bill No. 688 is not passed and approved,  
Permitting and Compliance Division is reduced by \$250,000 in state special revenue in fiscal year 2008 and

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fiscal year 2009 and increased by a like amount of federal special revenue in fiscal year 2008 and fiscal year 2009."

6. Page C-5.

**Following:** line 1

**Insert:** "If House Bill No. 259 is not passed and approved, Gray Water Permit is void.

If Senate Bill No. 261 is not passed and approved, Increased County Junk Vehicle Grants is void. "

Amendment adopted with Senator Balyeat, O'Neil voting nay.

**HB 820** - Senator Cobb moved **HB 820**, second reading copy, be amended as follows:

1. Page C-12.

**Following:** line 2

Insert: "e. Coal Development Impact Fund -- HB 196  
60,403

57,862 [state special revenue FY08 and FY09]

f. Increase Coal Board Funding -- HB 533  
226,512

216,984 [state special revenue FY08 and FY09]

g. Impact Assistance for Major Energy Project Development -- SB 567  
7,236,616

7,857,239"[state special revenue FY08 and FY09]

2. Page C-12

**Following:** line 22

**Insert:** "If House Bill No. 196 is not passed and approved, Coal Development Impact Fund--HB 196 is void.

If House Bill No. 533 is not passed and approved, Increase Coal Board Funding--HB 533 is void.

If Senate Bill No. 567 is not passed and approved, Impact Assistance for Major Energy Project Development--  
SB 567 is void."

Amendment adopted as follows:

Yeas: Cobb, Cocchiarella, Elliott, Esp, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Laible, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 28

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Essmann, Jackson, Kitzenberg, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash.

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 820** - Senator Cobb moved **HB 820**, second reading copy, be amended as follows:

1. Page C-10.

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**Following:** line 12

**Insert:** "d. Revise Nursery Laws -- HB 569

34,598

34,598" [state special revenue FY08 and FY09]

2. Page C-10.

**Following:** line 18

**Insert:** "c. Montana Certified Beef Natural Marketing Program -- SB 544

5,000 [state special revenue FY09]

d. Increase Payment to Advisory Board Members -- SB 62 11,375

11,659[state special revenue FY08 and FY09]

125

128 [federal special revenue FY08 and FY09]

250

256" [proprietary funds FY08 and FY09]

3. Page C-10.

**Following:** line 21

**Insert:** "If House Bill No. 569 is not passed and approved, Revise Nursery Laws--HB 569 is void.

If Senate Bill No. 544 is not passed and approved, Montana Certified Beef Natural Marketing Program--SB 544 is void.

If Senate Bill No. 62 is not passed and approved, Increase Payment to Advisory Board Members--SB 62 is void."

Amendment adopted as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Peterson, Ryan, Schmidt, Smith, Squires, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 37

Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Essmann, McGee, O'Neil, Perry, Shockley, Stapleton, Steinbeisser.

Total 13

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 820** - Senator Cobb moved **HB 820**, second reading copy, be amended as follows:

1. Page C-5.

**Following:** line 12

**Insert:** "d. Telephone Account Wagering on Internet Horseracing -- HB 390

182,000

182,000" [state special revenue FY08 and FY09]

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2. Page C-6.

**Following:** line 10

**Insert:** "If House Bill No. 390 is not passed and approved, Telephone Account Wagering on Internet Horseracing--HB 390 is void."

Amendment adopted as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Ryan, Schmidt, Smith, Squires, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 34

Nays: Bales, Balyeat, Barkus, Black, Brown, Esp, Essmann, Gebhardt, McGee, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story.  
Total 16

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 820** - Senator Kitzenberg moved **HB 820**, second reading copy, be amended as follows:

1. Page C-1.

**Following:** line 6

**Insert:** "a. Culbertson Overlook State Park (Restricted/Biennial/OTO) 1,011,000" [state special revenue FY08]

2. Page C-2.

**Following:** line 20

**Insert:** "Culbertson Overlook State Park is restricted to up to \$1 million for land purchase costs and \$11,000 for development and maintenance costs."

Amendment **not** adopted as follows:

Yeas: Cobb, Curtiss, Elliott, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Smith, Squires, Steinbeisser, Story, J.Tropila, M.Tropila, Williams, Mr. President.  
Total 25

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Esp, Essmann, Gallus, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Schmidt, Shockley, Stapleton, Tash, Wanzenried, Weinberg.  
Total 25

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

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**HB 820** - Senator Hansen moved **HB 820**, second reading copy, be amended as follows:

1. Page C-2, line 7.

Strike: "200,000    200,000" [state special revenue FY08 and FY09]

Insert: "100,000    100,000" [state special revenue FY08 and FY09]

Amendment **not** adopted as follows:

Yeas: Cocchiarella, Elliott, Esp, Hansen, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Moss, Pease, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Tash, J.Tropila, M.Tropila, Weinberg.  
Total 24

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Essmann, Gallus, Gebhardt, Gillan, Harrington, Jackson, Laible, Lewis, Lind, McGee, Murphy, O'Neil, Stapleton, Story, Wanzenried, Williams, Mr. President.  
Total 25

Absent or not voting: None.  
Total 0

Excused: Perry.  
Total 1

**HB 820** - Senator Hansen moved **HB 820**, second reading copy, be amended as follows:

1. Page A-1, line 6.

**Strike:** "300,000    300,000" [general fund FY08 and FY09]

**Insert:** "500,000    500,000" [general fund FY08 and FY09]

2. Page C-3.

**Following:** line 10

**Insert:** "b. Energy Planning    160,641    165,922" [general fund FY08 and FY09]

3. Page C-10, line 18.

**Strike:** "486,156    486,154" [general fund FY08 and FY09]

**Insert:** "125,512    120,232" [general fund FY08 and FY09]

Amendment **not** adopted as follows:

Cocchiarella, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Kitzenberg, Larson, Moss, Pease, Ryan, Schmidt, Smith, Squires, Williams, Mr. President.  
Total 18

Nays: Bales, Balyeat, Barkus, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gallus, Gebhardt, Jackson, Jent, Laible, Laslovich, Lewis, Lind, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg.  
Total 31

Absent or not voting: Elliott.  
Total 1



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Excused: None.  
Total 0

**HB 820** - Senator Jackson moved **HB 820**, second reading copy, be amended as follows:

1. Page C-8.

**Following:** line 1

**Insert:** "g. Hungry Horse Dam Water Leasing Study  
(Restricted/Biennial/OTO) 130,000 130,000" [general fund FY08 and FY09]

2. Page C-9, following line 13.

**Insert:** "If House Bill No. 443 is passed and approved, Hungry Horse Dam Water Leasing Study is void."

Amendment adopted with Senator Balyeat, Juneau, Smith, Larson, Wanzenried voting nay.

**HB 820** - Senator Esp moved **HB 820**, second reading copy, be amended as follows:

1. Page C-5, following line 12.

**Insert:** "d. Livestock Loss Reduction and Mitigation (Restricted/Biennial/OTO) 30,000" [general fund FY08]

2. Page C-6, following line 10.

**Insert:** "Livestock Loss Reduction and Mitigation may be used only to compensate livestock owners for losses caused by wolves."

Amendment adopted with Senator Juneau, M. Tropila voting nay.

**HB 820** - Senator Wanzenried moved **HB 820**, second reading copy, be amended as follows:

1. Page C-9.

**Strike:** line 20 through line 21 in their entirety

Amendment carried unanimously.

**HB 820** - Senator Kitzenberg moved **HB 820**, second reading copy, be amended as follows:

1. Page C-1.

**Following:** line 6

**Insert:** "a. Culbertson Overlook State Park (Restricted/Biennial/OTO) 1,011,000" [state special revenue FY08]

2. Page C-2.

**Following:** line 20

**Insert:** "Culbertson Overlook State Park is restricted to up to \$1 million for land purchase costs and \$11,000 for development and maintenance costs."

Amendment adopted as follows:

Yeas: Cobb, Cocchiarella, Curtiss, Elliott, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann,



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**Insert:** "18,621,225 18,523,670" [general fund FY08 and FY09]

3. Page B-3, line 16.

**Strike:** "12,232,673 12,270,190" [state special revenue FY08 and FY09]

**Insert:** "12,362,673 12,400,190" [state special revenue FY08 and FY09]

4. Page B-7, line 14.

**Strike:** "1,678,443"[state special revenue FY09]

**Insert:** "1,578,443"[state special revenue FY09]

5. Page B-14, line 18.

**Following:** "nursing home services"

**Insert:** "each fiscal year of the biennium"

6. Page B-14, line 19.

**Following:** "appropriated"

**Insert:** "each fiscal year of the biennium"

7. Page B-14, line 19.

**Following:** "appropriation"

**Insert:** "each year of the biennium"

8. Page C-7, line 2.

**Strike:** "2,909,409 2,912,084" [state special revenue FY08 and FY09]

**Insert:** "2,949,409 2,952,084" [state special revenue FY08 and FY09]

9. Page C-7, line 3.

**Strike:** "(OTO)"

**Insert:** "(Restricted)"

10. Page C-7, line 4.

**Strike:** "154,000 154,000"[state special revenue FY08 and FY09]

**Insert:** "114,000 114,000"[state special revenue FY08 and FY09]

11. Page C-10, line 24.

**Strike:** "2,386,616"

[state special revenue FY09]

**Insert:** "2,313,407"

[state special revenue FY09]

12. Page C-11, line 5.

**Strike:** "0"

[state special revenue FY09]

**Insert:** "73,209"

[state special revenue FY09]

13. Page D-1, line 10.

**Following:** "appropriations,"

**Insert:** "up to \$1,809,118 in general fund money, \$180,000 in state special revenue, and \$12,428,514 in federal funds,"

14. Page E-8, line 22.

**Strike:** "177,000"

[general fund FY09]

**Insert:** "150,000"

[general fund FY09]

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Amendment adopted with Senator Balyeat, O'Neil voting nay.

**HB 820** - Senator Cobb moved **HB 820**, second reading copy, be amended as follows:

1. Page D-6.

**Following:** line 8

**Insert:** "i. SB 547 -- Additional Sex Offender Treatment Hours 492,158 1,359,997" [general fund FY08 and FY09]

2. Page D-6.

**Following:** line 26

**Insert:** "h. SB 146 -- Transportation From Youth Secure Facility 2,501 2,501" [general fund FY08 and FY09]

3. Page D-7.

**Following:** line 7

**Insert:** "If Senate Bill No. 547 is not passed and approved, funding in SB 547--Additional Sex Offender Treatment Hours is void."

4. Page D-7.

**Following:** line 11

**Insert:** "If Senate Bill No. 146 is not passed and approved, funding in SB 146--Transportation From Youth Secure Facility is void."

Amendment adopted with Senator Balyeat, O'Neil voting nay.

**HB 820** - Senator Cobb moved **HB 820**, second reading copy, be amended as follows:

1. Page D-7.

**Following:** line 14

**Insert:** "a. Increase Payment to Advisory Board Members -- SB 62  
3,900 3,998 [federal special revenue FY08 and FY09]  
b. Revise Membership of Workforce Investment Boards -- SB 440  
7,422 7,422" [federal special revenue FY08 and FY09]

2. Page D-7.

**Following:** line 22

**Insert:** "a. Increase Payment to Advisory Board Members -- SB 62  
1,500 1,538" [state special revenue FY08 and FY09]

3. Page D-7.

**Following:** line 26

**Insert:** "b. Revise Nursing Home Administration Laws -- HB 378  
1,188 1,188 [state special revenue FY08 and FY09]  
c. Wholesale Licensure and Prescription Medication Integrity Act -- HB 536  
5,944 233,386 [state special revenue FY08 and FY09]  
d. License and Regulate Athletic Trainers -- HB 665  
50,732 46,229 [state special revenue FY08 and FY09]  
e. Alternative Adolescent Registration -- HB 769  
800 15,382 [state special revenue FY08 and FY09]

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- f. Increase Payment to Advisory Board Members -- SB 62  
500 512 [state special revenue FY08 and FY09]
- g. Revise Professional and Occupational Licensing Laws -- SB 153  
11,290 11,290 [state special revenue FY08 and FY09]
- h. Board of Private Security Patrol Officers -- SB 209  
1,947 1,105 [state special revenue FY08 and FY09]
- i. Marriage and Family Therapist Licensure and Regulation -- SB 434 5,418 1,188 [state special revenue FY08 and FY09]
- j. Scaffold Erectors Licensure -- SB 475  
49,280 64,440 [state special revenue FY08 and FY09]

4. Page D-8.

**Following:** line 8

**Insert:** "If Senate Bill No. 62 is not passed and approved, Increase Payment to Advisory Board Members--SB 62 is void.

If Senate Bill No. 440 is not passed and approved, Revise Membership of Workforce Investment Boards--SB 440 is void."

5. Page D-8.

**Following:** line 13

**Insert:** "If House Bill No. 378 is not passed and approved, Revise Nursing Home Administration Laws--HB 378 is void.

If House Bill No. 536 is not passed and approved, Wholesale Licensure and Prescription Medication Integrity Act--HB 536 is void.

If House Bill No. 665 is not passed and approved, License and Regulate Athletic Trainers--HB 665 is void.

If House Bill No. 769 is not passed and approved, Alternative Adolescent Registration--HB 769 is void.

If Senate Bill No. 153 is not passed and approved, Revise Professional and Occupational Licensing Laws--SB 153 is void.

If Senate Bill No. 209 is not passed and approved, Board of Private Security Patrol Officers--SB 209 is void.

If Senate Bill No. 434 is not passed and approved, Marriage and Family Therapist Licensure and Regulation--SB 434 is void.

If Senate Bill No. 475 is not passed and approved, Scaffold Erectors Licensure--SB 475 is void."

Amendment adopted as follows:

Yeas: Cobb, Cocchiarella, Curtiss, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Weinberg, Williams, Mr. President.

Total 30

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Esp, Essmann, Gebhardt, Jackson, McGee, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 19

Absent or not voting: None.

Total 0

Excused: Wanzenried.

Total 1

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**HB 820** - Senator Cobb moved **HB 820**, second reading copy, be amended as follows:

1. Page D-9.

**Following:** line 17

**Insert:** "b. Site Selection Committee for Southwest Montana Veterans' Home -- SB 235  
20,000" [general fund FY08 and FY09]

2. Page D-9.

**Following:** line 20

**Insert:** "If Senate Bill No. 235 is not passed and approved, Site Selection Committee for Southwest Montana Veterans' Home--SB 235 is void."

Amendment adopted as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Tash, J.Tropila, M.Tropila, Weinberg, Williams, Mr. President.  
Total 35

Nays: Bales, Balyeat, Barkus, Black, Brown, Esp, Essmann, Gallus, Jackson, O'Neil, Perry, Peterson, Stapleton, Story.  
Total 14

Absent or not voting: None.  
Total 0

Excused: Wanzenried.  
Total 1

**HB 820** - Senator Jent moved **HB 820**, second reading copy, be amended as follows:

1. Page D-1, line 4.

**Strike:** "1,339,732 1,359,731" [general fund FY08 and FY09]

**Insert:** "1,319,767 1,339,766" [general fund FY08 and FY09]

2. Page D-1.

**Following:** line 9

**Insert:** "Justice System Support Service includes a reduction of 0.5 FTE and general fund money of \$19,965 in fiscal year 2008 and fiscal year 2009 that is contingent upon passage and approval of Senate Bill No. 273. If Senate Bill No. 273 is not passed and approved, FTE and funding in Justice System Support Service are increased by this amount."

3. Page D-2, line 11.

**Strike:** "4,292,530 4,429,473" [general fund FY08 and FY09]

**Insert:** "4,377,744 4,512,048" [general fund FY08 and FY09]

4. Page D-3.

**Following:** line 10

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**Insert:** "Division of Criminal Investigation includes 1.5 FTE and general fund money of \$85,214 in fiscal year 2008 and \$82,575 in fiscal year 2009 that are contingent upon passage and approval of Senate Bill No. 273. If Senate Bill No. 273 is not passed and approved, FTE and funding in Division of Criminal Investigation are reduced by this amount."

Amendment adopted as follows:

Yeas: Black, Brueggeman, Cobb, Curtiss, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, McGee, Moss, Murphy, Pease, Peterson, Ryan, Schmidt, Smith, Steinbeisser, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 33

Nays: Bales, Balyeat, Barkus, Brown, Cocchiarella, Esp, Essmann, Jackson, Juneau, Lind, O'Neil, Perry, Shockley, Squires, Stapleton, Story, Tash.  
Total 17

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 820** - Senator Brueggeman moved **HB 820**, second reading copy, be amended as follows:

1. Page D-1, line 18.

**Strike:** "554,663 557,807" [state special FY08 and FY09]

**Insert:** "557,813 560,957" [state special FY08 and FY09]

2. Page D-2, line 1.

**Strike:** "7,014,615 7,038,530 [general fund FY08 and FY09]

4,991,696 5,007,578" [state special FY08 and FY09]

**Insert:** "7,231,338 7,255,253 [general fund FY08 and FY09]

5,136,178 5,152,060" [state special FY08 and FY09]

3. Page D-2, line 9.

**Strike:** "175,039 [general fund FY08]

22,688,544 22,977,541" [state special FY08 and FY09]

**Insert:** "336,789 [general fund FY08]

22,689,544 22,978,541" [state special FY08 and FY09]

4. Page D-2, line 11.

**Strike:** "1,819,784 1,828,865" [state special FY08 and FY09]

**Insert:** "1,885,784 1,894,865" [state special FY08 and FY09]

5. Page D-3.

**Following:** line 10

**Insert:** "Office of Consumer Protection includes \$3,150 in state special revenue in fiscal year 2008 and 2009 that is contingent upon passage and approval of House Bill No. 630. If House Bill No. 630 is not passed and approved, funding in Office of Consumer Protection is reduced by this amount."

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Motor Vehicle Division includes general fund money of \$206,447 in fiscal year 2008 and fiscal year 2009 and \$137,632 in state special revenue in fiscal year 2008 and 2009 that are contingent upon passage and approval of House Bill No. 273. If House Bill No. 273 is not passed and approved, funding in Motor Vehicle Division is reduced by this amount.

Motor Vehicle Division includes general fund money of \$10,276 in fiscal year 2008 and fiscal year 2009 and \$6,850 in state special revenue in fiscal year 2008 and 2009 that are contingent upon passage and approval of House Bill No. 840. If House Bill No. 840 is not passed and approved, funding in Motor Vehicle Division is reduced by this amount.

Highway Patrol Division includes general fund money of \$161,750 in fiscal year 2008 and \$1,000 in state special revenue in fiscal year 2008 and 2009 that are contingent upon passage and approval of House Bill No. 781. If House Bill No. 781 is not passed and approved, funding in Highway Patrol Division is reduced by this amount. Division of Criminal Investigation includes state special revenue of \$66,000 in fiscal year 2008 and 2009 that is contingent upon passage and approval of House Bill No. 461. If House Bill No. 461 is not passed and approved, funding in Division of Criminal Investigation is decreased by \$66,000 in state special revenue in fiscal year 2008 and 2009."

Amendment adopted as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Ryan, Schmidt, Smith, Squires, Tash, J.Tropila, Weinberg, Williams, Mr. President.

Total 31

Nays: Bales, Balyeat, Barkus, Black, Brown, Esp, Essmann, Gebhardt, Juneau, McGee, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, M.Tropila, Wanzenried.

Total 19

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 820** - Senator Cooney moved **HB 820**, second reading copy, be amended as follows:

1. Page D-2, line 11.

**Strike:** "4,292,530 4,429,473 [general fund for FY 2008 and FY 2009]"

**Insert:** "4,207,016 4,272,690 [general fund for FY 2008 and FY 2009]"

Amendment adopted unanimously.

**HB 820** - Senator Gallus moved **HB 820**, second reading copy, be amended as follows:

1. Page D-2, line 13.

**Strike:** "1,000,000" [general fund FY08]

**Insert:** "2,000,000" [general fund FY08]

Amendment adopted as follows:

Yeas: Barkus, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan,



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Harrington, Hawks, Jackson, Jent, Kitzenberg, Laible, Larson, Laslovich, Lewis, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Smith, Squires, Steinbeisser, Tash, J.Tropila, M.Tropila, Williams, Mr. President.  
Total 35

Nays: Bales, Balyeat, Black, Cobb, Hansen, Juneau, Kaufmann, Lind, O'Neil, Schmidt, Shockley, Stapleton, Story, Wanzenried, Weinberg.  
Total 15

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 820** - Senator Kaufmann moved **HB 820**, second reading copy, be amended as follows:

1. Page D-1.

**Following:** line 22

**Insert:** "c. Restorative Justice Grants to Local Communities (OTO) 350,000 350,000" [general fund FY08 and FY09]

Amendment **not** adopted as follows:

Yeas: Cocchiarella, Elliott, Esp, Gallus, Harrington, Jent, Juneau, Kaufmann, Larson, McGee, Smith, J.Tropila, Wanzenried, Williams.  
Total 14

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Essmann, Gebhardt, Gillan, Hansen, Hawks, Jackson, Kitzenberg, Laible, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, M.Tropila, Weinberg, Mr. President.  
Total 36

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

Senator Williams moved the committee rise and recess. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Laslovich moved the Committee of the Whole report be adopted. Report adopted unanimously.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 9:00 a.m., Thursday, April 12, 2007. Motion carried.

Senate adjourned at 4:35 p.m.

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JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

**SENATE JOURNAL  
60TH LEGISLATURE  
SEVENTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana  
April 12, 2007

Senate Chambers  
State Capitol

Senate convened at 9:00 a.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 40

Nays: Balyeat, Esp, Essmann, Gebhardt, Jackson, Lind, McGee, O'Neil, Shockley, Stapleton.  
Total 10

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**REPORTS OF STANDING COMMITTEES**

**FINANCE AND CLAIMS** (Schmidt, Chairman):  
SB 566, introduced bill, be amended as follows:

4/12/2007

1. Title, line 10.

**Following:** "BASE";

**Insert:** "ESTABLISHING A LOAN FORGIVENESS PROGRAM FOR CERTAIN TEACHERS AND CERTIFIED PERSONNEL; REVISING ELIGIBILITY FOR AND AMOUNTS OF THE GOVERNOR'S POSTSECONDARY SCHOLARSHIP PROGRAM;"

**Strike:** "SECTION"

**Insert:** "SECTIONS"

**Following:** "17-7-102"

**Insert:** "AND 20-26-612"

2. Page 4, line 30.

**Insert:** "NEW SECTION. **Section 5. Quality educator loan forgiveness program.** There is a quality educator loan forgiveness program administered by the board of regents through the office of the commissioner of higher education. The program must provide for the direct repayment of educational loans of eligible quality educators in accordance with policies and procedures adopted by the board of regents in accordance with [sections 5 through 10]."

**Insert:** "NEW SECTION. **Section 6. Definitions.** For purposes of [sections 5 through 10], unless the context requires otherwise, the following definitions apply:

(1) "Education cooperative" means a cooperative of Montana public schools as described in 20-7-451.

(2) "Educational loans" means all loans made pursuant to a federal loan program, except federal parent loans for undergraduate students (PLUS) loans, as provided in 20 U.S.C. 1078-2.

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(3) "Federal loan program" means educational loans authorized by 20 U.S.C. 1071, et seq., 20 U.S.C. 1087a, et seq., and 20 U.S.C. 1087aa, et seq.

(4) (a) "Quality educator" means a full-time equivalent educator, as reported to the superintendent of public instruction for accreditation purposes in the previous school year, who:

(i) holds a valid certificate under the provisions of 20-4-106 and is employed by an entity listed in subsection (4)(b) of this section in a position that requires an educator license in accordance with administrative rules adopted by the board of public education; or

(ii) is a licensed professional under 37-8-405, 37-8-415, 37-11-301, 37-15-301, 37-23-201, 37-24-301, or 37-25-302 and is employed by an entity listed in subsection (4)(b) of this section to provide services to students.

(b) For purposes of subsection (4)(a), an entity means:

(i) a school district;

(ii) an education cooperative;

(iii) the Montana school for the deaf and blind, as described in 20-8-101; and

(iv) a state youth correctional facility, as defined in 41-5-103.

(5) "School district" means a public school district, as provided in 20-6-101 and 20-6-701."

**Insert: "NEW SECTION. Section 7. Critical quality educator shortage areas.** (1) The board of public education, in consultation with the office of public instruction, shall identify:

(a) geographic regions of the state that are impacted by critical quality educator shortages; and

(b) specific certification or endorsement areas that are impacted by critical quality educator shortages.

(2) Quality educators working in an impacted geographic region or an impacted certification or endorsement area are eligible for repayment of all or part of the quality educator's outstanding educational loans existing at the time of application in accordance with the eligibility and award criteria established under [sections 5 through 10]."

**Insert: "NEW SECTION. Section 8. Loan repayment assistance.** Loan repayment assistance may be provided on behalf of a quality educator who:

(1) is employed in a geographic region described in [section 7(1)(a)] or in a certification or endorsement area described in [section 7(1)(b)]; and

(2) has an educational loan that is not in default and that has a minimum unpaid current balance of at least \$1,000 at the time of application."

**Insert: "NEW SECTION. Section 9. Loan repayment assistance documentation.** (1) A quality educator shall submit an application for loan repayment assistance to the board of regents in accordance with policies and procedures adopted by the board of regents. The application must include official verification or proof of the applicant's total unpaid accumulated educational loan debt and other documentation required by the board of regents that is necessary for verification of the applicant's eligibility.

(2) A quality educator is eligible for loan repayment assistance for up to a maximum of 4 years. The total annual loan repayment assistance for an eligible quality educator may not exceed \$3,000. The board of regents may require an eligible quality educator to provide documentation that the quality educator has exhausted repayment assistance from other federal, state, or local loan forgiveness, discharge, or repayment incentive programs.

(3) The board of regents may remit payment of the loan on behalf of the quality educator in accordance with the requirements of [sections 5 through 10] and policies and procedures adopted by the board of regents."

**Insert: "NEW SECTION. Section 10. Funding -- priorities.** (1) If the funding for [sections 5 through 10] in any year is less than the total amount for which Montana teachers qualify, the board of regents shall provide preference in the award of loan repayment assistance to quality educators working in the geographic regions that are most impacted by quality educator shortages identified as provided in [section 7].

(2) [Sections 5 through 10] may not be construed to require the provision of loan repayment assistance without an express appropriation for that purpose. [Sections 5 through 10] may not be construed to require loan repayment assistance for school years prior to [the effective date of this section]."

**"Section 11.** Section 20-26-612, MCA, is amended to read:

**"20-26-612. Types and amounts of scholarships -- recipient qualifications.** (1) Following consultation with the council and selection of eligible recipients, the board shall pay the costs of a governor's postsecondary scholarship at a postsecondary institution or, subject to the provisions of 20-26-602(4), at a Montana private college

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in which a recipient has enrolled.

(2) Subject to the provisions of subsections (6), (7), and (9), scholarships must be provided in each fiscal year to eligible recipients who are Montana residents on the basis of need and merit as follows:

~~(a) merit-based scholarships of \$2,000 a year awarded to 40 at-large students who enroll in 4-year postsecondary institutions;~~

~~(b) a merit-based scholarship of \$1,000 a year, which may be awarded to one graduate of each of Montana's accredited high schools, including accredited nonpublic high schools, who enrolls in a 4-year postsecondary institution;~~

~~(c) a merit-based scholarship of \$1,000 a year, which may be awarded to one graduate of each of Montana's accredited high schools, including accredited nonpublic high schools, who enrolls in a 2-year postsecondary institution;~~

~~(d) merit-based scholarships of \$1,000 a year awarded to 70 at-large students who enroll in 2-year postsecondary programs;~~

~~(e) a scholarship of \$1,000 a year based on recognition of financial need awarded to 180 students, including students who return to school as nontraditional students, who enroll in a 2-year postsecondary program;~~

~~(f) scholarships of \$1,000 a year based on recognition of financial need awarded to 100 students, including students who return to school as nontraditional students, who enroll in 2-year postsecondary programs and who major in the area of health sciences; and~~

~~(g) scholarships of \$1,000 a year based on financial need awarded to 220 students, including students who return to school as nontraditional students, who enroll in 2-year postsecondary programs and who are seeking a certificate or degree in the field of~~

(a) Scholarships may be for either \$1,000 or \$2,000.

(b) Merit-based and need-based scholarships must be awarded in approximately equal monetary amounts.

(c) A merit-based scholarship must be awarded to at least one graduate of every accredited high school in Montana, including accredited nonpublic high schools.

(d) At least a portion of the money appropriated for need-based scholarships must be designated for applicants who plan to attend 2-year postsecondary institutions or 2-year programs at 4-year postsecondary institutions and who plan to focus on specific areas of study that address current or projected critical workforce shortage areas in Montana, such as the fields of health sciences and technology.

(3) (a) A recipient who is awarded a scholarship to attend a 2-year postsecondary program is eligible to receive the scholarship for a maximum of 2 consecutive years, provided the recipient meets the requirements provided in 20-26-613.

(b) A recipient who is awarded a scholarship to attend a 4-year postsecondary institution or, subject to the availability of private funds, to a Montana private college is eligible to receive the scholarship for a maximum of 4 consecutive years, provided the recipient meets the requirements provided in 20-26-613.

(4) The recipient of a scholarship award is not precluded from receiving other financial aid, awards, or scholarships that would result in an overpayment of financial aid as determined by the postsecondary institution's or Montana private college's financial aid office.

(5) Each scholarship must be distributed in equal installments that correspond with the terms of the postsecondary institution's or the Montana private college's academic year.

(6) If a Montana high school has no graduates who qualify for a scholarship awarded under subsection ~~(2)(b)~~ or (2)(c) or if a recipient of a scholarship becomes ineligible for renewal of a scholarship, the money for those scholarships reverts and may be reallocated by the commissioner of higher education to scholarships for at-large students.

(7) Except when a donor of private funds designates that scholarship funds must be given to students attending a Montana private college, the board, following consultation with the council, shall establish criteria and procedures for distributing funds from private sources for scholarships to students enrolled in postsecondary institutions. Funds from private sources may not be used as an offset to general fund appropriations.

(8) Except when a donor of private funds designates that scholarship funds must be given to students attending a Montana private college, scholarship awards are determined solely by the board following consultation with the council. Scholarship awards are not subject to appeal.

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(9) Except for funds donated from private sources, the obligation for funding the governor's postsecondary scholarship program is an obligation of the state. This section may not be construed to require the board to provide a scholarship to an eligible student without a line item appropriation to the board."

**Insert:** "NEW SECTION. **Section 12. Codification instruction.** [Sections 5 through 10] are intended to be codified as an integral part of Title 20, chapter 4, and the provisions of Title 20, chapter 4, apply to [sections 5 through 10]."

**Renumber:** subsequent sections

3. Page 5, line 3.

**Strike:** "[This act] terminates"

**Insert:** "[Sections 1 through 4] terminate"

And, as amended, do pass. Report adopted.

**HB 8**, be amended as follows:

1. Title, lines 12 and 13.

**Strike:** "STATUTORILY" on line 12 through "MCA;" on line 13

2. Page 3, line 14.

**Following:** "85-1-605(4)."

**Insert:** "Proceeds of the bonds may also be used to pay the costs of issuance of the bonds."

3. Page 5, line 21.

**Following:** "IN"

**Strike:** "THIS SECTION"

**Insert:** "[section 3]"

4. Page 5, line 23.

**Following:** "IN"

**Strike:** "THIS SECTION"

**Insert:** "[section 3]"

5. Page 5, line 28.

**Following:** "IN"

**Strike:** "THIS SECTION"

**Insert:** "[section 3]"

6. Page 5, line 30 through page 6, line 11.

**Strike:** section 9 through section 10 in their entirety

**Renumber:** subsequent sections

And, as amended, be concurred in. Report adopted.

**HB 9**, be amended as follows:

1. Page 1, line 24.

**Strike:** "\$3.5"

**Insert:** "\$1.5"

2. Page 5, line 11 through line 13.

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**Strike:** section 6 in its entirety  
**Renumber:** subsequent section

And, as amended, be concurred in. Report adopted.

**HB 12**, be concurred in. Report adopted.  
**HB 63**, be concurred in. Report adopted.  
**HB 125**, be concurred in. Report adopted.  
**HB 131**, be amended as follows:

1. Title, line 10.

**Following:** "~~LOAN~~;"

**Insert:** "ALLOCATING A PORTION OF THE EMPLOYER CONTRIBUTION IN THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM DEFINED CONTRIBUTION PLAN TO PAY FOR THE PLAN'S STARTUP LOAN;"

2. Title, line 11.

**Strike:** "JUDGES', HIGHWAY PATROL OFFICERS',"

3. Title, lines 12 and 13.

**Following:** "SHERIFFS',"

**Insert:** "AND"

**Following:** "PEACE OFFICERS'" on line 12

**Strike:** the remainder of line 12 through "UNIFIED" on line 13

4. Title, lines 16 through 18.

**Strike:** "19-5-901," on line 16 through "19-6-711," on line 17

**Strike:** "19-9-1009" on line 17 through "19-13-1011," on line 18

5. Page 4, line 15.

**Following:** "19-3-316"

**Insert:** "received"

6. Page 4, lines 27 through 29.

**Following:** "~~members~~." on line 27

**Strike:** remainder of line 27 through "TERMINATES" on line 29

**Insert:** "on July 1, 2007, through June 30, 2009, 0.135% of compensation and on July 1, 2009, continuing until the additional employer contributions terminate pursuant to 19-3-316, 0.27% of compensation must be allocated in the following order:

(i) to the administrative account used by the board to meet the expenses of the plan's startup loan, until paid in full;

(ii) to the defined benefit plan to eliminate the plan choice rate unfunded actuarial liability; and

(iii) to the long-term disability plan trust fund to provide disability benefits to eligible members"

7. Page 6, line 29 through page 11, line 16.

**Strike:** sections 5 through 8 in their entirety

**Renumber:** subsequent sections

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8. Page 14, line 22 through page 20, line 7.

**Strike:** sections 12 through 16 in their entirety

**Renumber:** subsequent sections

9. Page 20, lines 27 and 28.

**Following:** "(B)" on line 27

**Strike:** remainder of line 27 through "TERMINATES" on line 28

**Insert:** "on July 1, 2007, through June 30, 2009, 0.135% of compensation and on July 1, 2009, continuing until the additional employer contributions terminate pursuant to 19-3-316, 0.27% of compensation must be allocated in the following order:

(i) to the administrative account used by the public employees' retirement board to meet the expenses of the defined contribution plan's startup loan, until paid in full; and

(ii) to the defined benefit plan to eliminate the plan choice rate unfunded actuarial liability"

10. Page 21, line 27 through line 29.

**Strike:** section 19 in its entirety

**Renumber:** subsequent sections

And, as amended, be concurred in. Report adopted.

**HB 298**, be concurred in. Report adopted.

**HB 512**, be amended as follows:

1. Title, line 18 through line 20.

**Following:** "PROJECTS;"

**Strike:** remainder of line 18 through "ACCOUNT;" on line 20

2. Page 5, line 20.

**Strike:** "750,000"

**Insert:** "390,000"

3. Page 5, line 28 through page 6, line 10.

**Strike:** subsection (5) and subsection (6) in their entirety

**Insert:** "(5) Funding for projects numbered 1 through 56 in subsection (3) will be provided from interest earnings deposited into the treasure state endowment special revenue account during the biennium ending June 30, 2009. Funding for the projects listed in subsection (3) will be made available in the order that the grant recipients satisfy the conditions described in [section 3(1)]. If funds appropriated in subsection (1) are insufficient to fund any of the projects that have satisfied the conditions described in [section 3(1)] prior to June 30, 2009, the treasure state endowment program must fund the projects by borrowing money from the board of investments pursuant to 90-6-701(1)(b) for those projects that have satisfied the conditions described in [section 3(1)] by June 30, 2009. There is appropriated to the department of commerce up to \$15,363,890 for funds borrowed from the board of investments."

4. Page 10, line 29.

**Following:** "AUTHORIZED"

**Strike:** "FOR THE 2009 BIENNIUM"

5. Page 11, line 25 through page 12, line 3.

**Strike:** section 10 in its entirety



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**Renumber:** subsequent sections

And, as amended, be concurred in. Report adopted.

**HB 616**, be amended as follows:

1. Page 8, line 23.

**Strike:** "15%"

**Insert:** "15.3846%"

2. Page 8, line 24.

**Strike:** "24%"

**Insert:** "23.0769%"

3. Page 8, line 25.

**Strike:** "61%"

**Insert:** "61.5385%"

4. Page 8, line 25 through line 27.

**Strike:** "The funds" on line 25 through "chapter," on line 27

**Insert:** "No more than \$316,000 for fiscal year 2008, or 10% for succeeding fiscal years, of the amount collected under this subsection (4)(b)(iii) may be appropriated by the legislature for administration of this chapter. The remaining portion collected under this subsection (4)(b)(iii) is statutorily appropriated, as provided in 17-7-502, to the board"

**Following:** "purses" on line 27

**Strike:** ", "

5. Page 10, line 21 through line 22.

**Strike:** "to the department" on line 21 through the first "paid" on line 22

**Insert:** "the funds distributed pursuant to 23-4-302(4)(b)(iii)"

6. Page 10, line 22 through line 25.

**Strike:** "Money paid to" on line 22 through "industry." on line 25

7. Page 10, line 30.

**Following:** "(3)"

**Strike:** "The"

**Insert:** "Except for funds collected under subsection (1)(c), the"

And, as amended, be concurred in. Report adopted.

**HB 830**, be amended as follows:

1. Title, line 11.

**Following:** "2007;"

**Insert:** "APPROPRIATING MONEY FROM THE STATE GENERAL FUND FOR ENERGY CONSERVATION PROJECTS IN STATE BUILDINGS; REQUIRING PAYMENT OF ENERGY COST SAVINGS TO A SPECIAL REVENUE ACCOUNT;"

2. Page 1, line 16.

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**Strike:** "18"  
**Insert:** "19"

3. Page 1, line 20.

**Strike:** "18"  
**Insert:** "19"

4. Page 3, line 11.

**Strike:** line 11 in its entirety

**Insert:** "3,750,000[LRBP] 3,750,000[Total]"

5. Page 3, line 12.

**Strike:** "REMOTE"

6. Page 3, line 14.

**Strike:** "20,150,000"

**Insert:** "5,500,000"

**Strike:** "24,150,000"

**Insert:** "9,500,000"

7. Page 5, line 11.

**Strike:** "3,500,000"

**Insert:** "4,500,000"

**Strike:** "3,635,000"

**Insert:** "4,635,000"

8. Page 5.

**Following:** line 14

**Insert:** "Auto Tech Center Design, MSU-Northern 800,000[LRBP] 800,000[Total]"

9. Page 5, line 16.

**Strike:** "3,450,000"

**Insert:** "4,200,000"

**Strike:** "8,500,000"

**Insert:** "9,250,000"

10. Page 5, line 18.

**Strike:** "3,200,000" in both places

**Insert:** "5,200,000" in both places

11. Page 5.

**Following:** line 18

**Insert:** "School of Journalism Building, UM-Missoula 500,000[LRBP] 500,000[Total]"

COT Long-Range Planning and Infrastructure 2,000,000[LRBP] 2,000,000[Total]"

12. Page 7, line 17.

**Strike:** "(3)"

**Insert:** "(4)"

**Strike:** "\$64.488"

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**Insert:** "\$62,684"

13. Page 7.

**Following:** line 21

**Insert:** "(2) Subject to subsection (4), there is transferred from the state general fund \$3.75 million in fiscal year 2008 and \$3.75 million in fiscal year 2009 to the fish, wildlife, and parks capital projects account in the capital projects fund type for the projects enumerated in [section 5]."

**Renumber:** subsequent subsections

14. Page 8, line 1.

**Strike:** "(3)"

**Insert:** "(4)"

15. Page 8, line 2.

**Strike:** "\$3,200,000"

**Insert:** "\$2,100,000"

16. Page 8, line 3.

**Strike:** "\$13,831,965"

**Insert:** "\$9,115,400"

17. Page 8, line 4.

**Strike:** "\$26,141,165"

**Insert:** "\$29,193,600"

18. Page 8, line 7.

**Strike:** "AND (2)"

**Insert:** "through (3)"

19. Page 8, line 11.

**Strike:** "\$3,935,000"

**Insert:** "\$2,909,470"

**Strike:** "15"

**Insert:** "16"

20. Page 10, line 13.

**Insert:** "(6) The following money is appropriated to the department of commerce, Montana heritage preservation and development commission, in the indicated amounts for the purpose of making capital improvements to facilities located in Virginia City and Nevada City:

Agency/Project	LRBP	State	Federal	Other	Authority	Total
		Fund	Special	Special	Funding	Only
		Revenue	Revenue	Sources		

Historic Preservation and Supporting Improvements, Virginia and Nevada Cities  
3,000,000[LRBP] 3,000,000[Total]"

21. Page 10.

**Following:** line 21

**Insert:** "Access Montana 7,500,000[Other] 7,500,000[Total]"

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22. Page 13, line 21.

**Strike:** line 21 in its entirety

**Insert:** "2,100,000[LRITP] 2,100,000[Total]"

23. Page 14, line 1 through line 3.

**Strike:** line 1 through line 3 in their entirety

24. Page 14, line 4.

**Strike:** "5,000,000" in both places

**Insert:** "4,595,000" in both places

25. Page 14, line 8.

**Strike:** line 8 in its entirety

**Insert:** "7,625,000[LRITP] 16,225,000[Total]"

26. Page 14, line 11.

**Strike:** line 11 in its entirety

**Insert:** "6,535,000[LRITP] 6,535,000[Federal] 13,070,000[Total]"

27. Page 14, line 13.

**Strike:** line 13 in its entirety

**Insert:** "15,204,000[LRITP] 11,946,000[Federal] 27,150,000[Total]"

28. Page 14, line 17 through line 21.

**Strike:** line 17 through line 21

29. Page 14.

**Following:** line 21

**Insert:** "(4) There is appropriated to the department of administration \$1.305 million from the state general fund for the operating costs associated with the northern tier network expansion and the public safety radio consortium projects listed in subsection (3). If this appropriation is not fully expended for operating costs, then the remaining funds may be used to complete the northern tier network expansion and public safety radio consortium projects in subsection(3)."

**Insert:** "NEW SECTION. Section 15. Restrictions on information technology appropriations. The northern tier network expansion appropriation is restricted by the following conditions:

(1) All expenditures of the northern tier network expansion appropriation for the statewide telecommunications network, as defined in 2-17-506, must be in accordance with the provisions of Title 18, chapter 4.

(2) A request for information must be issued to assist in determining the most cost-effective and scalable network that meets the state and university needs.

(3) The statewide telecommunications network is limited to use by state government agencies, political subdivisions, and other participating entities to support their program, education, and research needs as provided in 2-17-512. All entities that are permitted to use the statewide telecommunications network must be qualified under terms and conditions established by the department of administration in accordance with Title 2, chapter 17.

(4) On behalf of the Montana university system, the department of administration may enter into agreements with educational or research institutions in other states to use the capacity of the statewide telecommunications network to meet their mutual needs for research and education.

(5) Except as provided in subsections (3) and (4), the statewide telecommunications network cannot be used to provide statewide telecommunications network services to any entity not authorized in subsection (3) for the purpose of using any excess capacity that may be available."

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**Renumber:** subsequent sections

30. Page 15, line 3.

**Strike:** "\$3,935,000"

**Insert:** "\$2,909,470"

31. Page 15, line 9.

**Insert:** "(4) There is appropriated to the judicial branch \$1,025,530 from the state general fund for operating costs associated with the judicial branch information technology project in subsection (1). If this appropriation is not fully expended for operating costs, then the remaining funds may be used to complete the judicial branch project in subsection (1)."

32. Page 15, line 10.

**Strike:** "15"

**Insert:** "16"

33. Page 15, line 11.

**Strike:** "15"

**Insert:** "16"

34. Page 24, line 4.

**Following:** line 3

**Insert:** "NEW SECTION. **Section 21. Appropriation.** There is appropriated from the state general fund to the department of environmental quality for the 2009 biennium \$3 million to be used to fund the costs of acquiring, constructing, and installing energy saving equipment, systems, and improvements in existing state buildings, structures, and facilities by the energy conservation program. The funds may be used only to fund projects for which the department of environmental quality determines that energy cost savings from the project will equal or exceed the costs of the project, including the costs of the investment-grade energy audit on and design of the project, within 15 years after installation or construction."

**Insert:** "NEW SECTION. **Section 22. Energy conservation repayment account.** (1) There is an energy conservation repayment account in the state special revenue fund established in 17-2-102.

(2) There must be deposited in the energy conservation repayment account:

(a) the amount of energy costs saved as a result of the acquisition, installation, and construction of energy saving equipment, systems, or improvements in state buildings, facilities, or structures using general fund appropriations to the energy conservation program until total payments to the account for a project equal the cost of the project, including the cost of the investment grade energy audit on the project and the design of the project; and

(b) interest earned on the account.

(3) Money in the energy conservation repayment account is available to the department of environmental quality by appropriation to fund the costs of the energy conservation program."

**Renumber:** subsequent sections

35. Page 24, line 7.

**Following:** "instruction."

**Insert:** "(1)"

**Strike:** "17 AND 18"

**Insert:** "18 and 19"

36. Page 24, line 8.

**Strike:** "17 AND 18"

**Insert:** "18 and 19"

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37. Page 24, line 9.

**Insert:** "(2) [Section 22] is intended to be codified as an integral part of Title 90, chapter 4, part 6, and the provisions of Title 90, chapter 4, part 6, apply to [section 22]."

38. Page 24, line 18.

**Strike:** "3(2)"

**Insert:** "3(4)"

And, as amended, be concurred in. Report adopted.

**MESSAGES FROM THE GOVERNOR**

April 11, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 225** sponsored by Senator Moss on April 11, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 11, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 536** sponsored by Senator Perry on April 11, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 11, 2007

The Honorable Mike Cooney  
President of the Senate

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State Capitol  
Helena, Montana 59620

The Honorable Scott Sales  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear President Cooney and Speaker Sales:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return with amendments Senate Bill 537, **"AN ACT REVISING LAWS RELATING TO PREPAID LEGAL SERVICES; DEFINING "LEGAL SERVICE EXPENSE PLAN"; PROVIDING THAT LEGAL SERVICE EXPENSE PLANS ARE NOT SUBJECT TO THE INSURANCE CODE; AMENDING SECTIONS 33-1-102, 33-1-206, AND 33-17-504, MCA; REPEALING SECTION 33-1-215, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE"** for the following reasons.

Sincerely,

BRIAN SCHWEITZER  
Governor

GOVERNOR'S AMENDMENTS  
TO SENATE BILL 537

Amendments to Senate Bill No. 537  
Reference Copy

Requested by the Governor

For the Senate Committee of the Whole

Prepared by Greg Petesch  
August 27, 2008 (3:52pm)

1. Title, line 6.

**Following:** "CODE;"

**Insert:** "PROVIDING THAT PREPAID LEGAL SERVICE EXPENSE PLANS ARE SUBJECT TO MONTANA SECURITIES LAW;"

2. Page 1, line 23.

**Insert:** "(5) In addition to any other regulatory oversight applicable to prepaid legal service expense plans, these plans are subject to regulation under the Securities Act of Montana as provided in Title 30, chapter 10, parts 1 through 3."

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April 11, 2007

The Honorable Scott Sales  
Speaker of the House  
State Capitol  
Helena, MT 59620

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, MT 59620

Dear Speaker Sales and President Cooney:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments House Bill 426, "AN ACT REMOVING THE \$500,000 LIMIT ON A COUNTY'S ROAD AND BRIDGE CAPITAL IMPROVEMENT FUND; AMENDING SECTION 7-14-2506, MCA; AND PROVIDING AN EFFECTIVE DATE."

House Bill 426 removes the current \$500,000 cap on a county's road and bridge capital improvement fund. My proposed amendment requires that before a county expend money from the road and bridge capital improvement fund, the county must determine that the public's right to access rivers and streams from county roads and bridges meets the requirements of law.

A 2000 Montana Attorney General Opinion held that the public may gain access to streams and rivers by using a county road and its right-of-way, and that a bridge and its abutments are part of the public highway and subject to the same public easement of passage as the highway to which the bridge is attached. 48 Op. Atty. Gen. Mont. No. 13. My proposed amendment would ensure that expenditures of money from the county road and bridge capital improvement fund are spent on county roads and bridges that are in compliance with Montana law as it concerns the public's right of access to Montana's rivers and streams.

I urge your passage of HB 426 with my proposed amendments, a copy of which are attached to this letter.

Sincerely,

BRIAN SCHWEITZER  
GOVERNOR

cc: Legislative Services Division

Amendments to House Bill No. 426  
Reference Copy  
Requested by the Governor  
For the House Committee of the Whole  
Prepared by Greg Petesch  
August 27, 2008 (3:52pm)

1. Title, line 5.

**Following:** "FUND;"

**Insert:** "REQUIRING THAT BEFORE A COUNTY MAY EXPEND MONEY FROM THE ROAD AND BRIDGE CAPITAL IMPROVEMENT FUND, THE COUNTY IS REQUIRED TO DETERMINE THAT THE



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ROAD OR BRIDGE CONFORMS TO THE RIGHT OF THE PUBLIC TO ACCESS MONTANA'S STREAMS AND RIVERS; CODIFYING AN ATTORNEY GENERAL'S OPINION REGARDING THE PUBLIC'S RIGHT TO ACCESS STREAMS AND RIVERS FROM A COUNTY BRIDGE AND ITS RIGHT-OF-WAY;"

**Following:** "AN"

**Insert:** "IMMEDIATE"

2. Page 1, line 16.

**Following:** "~~limitation.~~"

**Insert:** "(1)"

3. Page 1, line 19.

**Following:** line 18

**Insert:** "(2) Before it may expend money from the road and bridge capital improvement fund, the governing body of a county shall make a determination that the public's ability to access the stream or river from the county road or bridge or from the rights-of-way of the county road or bridge on which the governing body intends to expend the money conforms to the requirements of [section 2]."

**Insert:** "NEW SECTION. Section 2. Stream access from county roads and bridges. (1) Subject to subsection (6), a person may gain access to a stream or river by using a county bridge, its right-of-way, and its abutments.

(2) Subject to subsection (6), a person may gain access to a stream or river by use of a county road right-of-way as described in 7-14-2112 and acquired pursuant to 7-14-2107.

(3) With approval by the board of county commissioners and if necessary for livestock control, a landowner or lessee of land adjacent to or underlying a county bridge may attach a fence or other obstruction to the bridge in a manner that is least restrictive to the public's ability to access a stream or river. The board may approve the fence or other obstruction with conditions ensuring public access. The board may consult with the department on conditions of public access.

(4) A person is required to stay within the road and bridge easement or right-of-way to gain access to a stream or river. Absent any definition in an easement or deed to the contrary, the width of a bridge right-of-way easement is the same as the right-of-way easement for the county road to which it is connected. The standard width of a right-of-way is provided for in 7-14-2112, and a right-of-way is acquired pursuant to 7-14-2107.

(5) The board of county commissioners of a county where a bridge on a county road is located, by a reasonable exercise of the board's police power, may condition the access, as described in subsections (1) through (4), for purposes of public safety, but only to the extent necessary for public safety.

(6) Access to streams and rivers from a county road or bridge created by prescription is dependent upon the use of the road or bridge during the prescription period.

(7) This section may not be construed to require the county to construct or maintain areas for parking, paths, walkways, steps, ramps, or other accommodations in the county's reasonable exercise of its police power as provided in subsection (5), but the county may do so if the county chooses.

(8) For purposes of this section, "access" means access to streams and rivers for recreational use.

"

**Insert:** "NEW SECTION. Section 3. {standard} Codification instruction. [Section 2] is intended to be codified as an integral part of Title 23, chapter 2, part 3, and the provisions of Title 23, chapter 2, part 3, apply to [section 2].

"

Renumber: subsequent section

4. Page 1, line 20.

**Strike:** "July 1, 2007"

**Insert:** "on passage and approval"

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**MESSAGES FROM THE OTHER HOUSE**

**HB 462** - The House failed to concur in Senate amendments to **HB 462**, authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 462**:

4/11/2007

Representative Sands, Chair  
Representatives Sinrud, Ward

**HB 533** - The House failed to concur in Senate amendments to **HB 533**, authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 533**:

4/11/2007

Representative Ankney , Chair  
Representatives Lake, Windy Boy

**HB 687** - The House failed to concur in Senate amendments to **HB 687**, authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 687**:

4/11/2007

Representative William Jones , Chair  
Representatives McGilvray, Campbell

**HB 533** - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **HB 533**:

4/11/2007

Representative Ankney, Chair  
Representative Lake  
Representative Windy Boy

**HB 687** - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **HB 687**:

4/11/2007

Representative W. Jones, Chair  
Representative McGillvray  
Representative Campbell

**HB 462** - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **HB 462**:

4/11/2007

Representative Sands, Chair  
Representative Sinrud  
Representative Ward

**Senate amendments to House bill** concurred in:

4/11/2007

**HB 272**, introduced by L. Jones

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<b>Senate amendments to House bill</b> concurred in:	4/11/2007
<b>HB 287</b> , introduced by Wiseman	
<b>Senate amendments to House bill</b> concurred in:	4/11/2007
<b>HB 415</b> , introduced by Reinhart	
<b>Senate amendments to House bill</b> concurred in:	4/11/2007
<b>HB 433</b> , introduced by Wiseman	
<b>Senate amendments to House bill</b> concurred in:	4/11/2007
<b>HB 435</b> , introduced by Parker	
<b>Senate amendments to House bill</b> concurred in:	4/11/2007
<b>HB 460</b> , introduced by Keane	
<b>Senate amendments to House bill</b> concurred in:	4/11/2007
<b>HB 467</b> , introduced by K. Peterson	
<b>Senate amendments to House bill</b> concurred in:	4/11/2007
<b>HB 468</b> , introduced by McGillvray	
<b>Senate amendments to House bill</b> concurred in:	4/11/2007
<b>HB 487</b> , introduced by Hiner	
<b>Senate amendments to House bill</b> concurred in:	4/11/2007
<b>HB 496</b> , introduced by French	
<b>Senate amendments to House bill</b> concurred in:	4/11/2007
<b>HB 524</b> , introduced by Hamilton	
<b>Senate amendments to House bill</b> concurred in:	4/11/2007
<b>HB 537</b> , introduced by Ripley	
<b>Senate amendments to House bill</b> concurred in:	4/11/2007
<b>HB 633</b> , introduced by Dutton	
<b>Senate amendments to House bill</b> concurred in:	4/11/2007

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**HB 681**, introduced by Driscoll

**Senate bill** concurred in and returned to the Senate: 4/11/2007

**SB 302**, introduced by Barkus

**Senate bill** concurred in and returned to the Senate: 4/11/2007

**SB 335**, introduced by Tash

**Senate bill** concurred in and returned to the Senate: 4/11/2007

**SB 406**, introduced by Bales

**Senate joint resolution** concurred in and returned to the Senate: 4/11/2007

**SJR 7**, introduced by Lind

**HB 687** - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **HB 687**:

4/11/2007

Representative W. Jones, Chair  
Representative McGillvray  
Representative Campbell

**MOTIONS**

**SEN. JIM SHOCKLEY, SD 45, VICTOR** moved to change his vote on **HB 820 - 39th amendment** from "yes" to "no". Motion carried.

**SEN. KELLY GEBHARDT, SD 23, ROUNDUP** moved to bring **HB 835** out of committee and placed on second reading the 79th Legislative day. Motion failed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gallus, Gebhardt, Harrington, Jackson, Kitzenberg, Laible, McGee, Murphy, O'Neil, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 25

Nays: Brueggeman, Elliott, Gillan, Hansen, Hawks, Jent, Juneau, Kaufmann, Larson, Laslovich, Lewis, Lind, Moss, Pease, Perry, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 25

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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**SEN. JIM ELLIOTT, SD 7, TROUT CREEK** moved to Suspend the Rules to accept **HB 833**. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Juneau, Laible, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 44

Nays: Cobb, Jent, Kaufmann, Kitzenberg, Larson, Smith.  
Total 6

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SEN. VERDELL JACKSON, SD 5, KALISPELL** moved to change his vote on a voice vote for **HB 820**.

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** moved to appoint a Conference Committee on the following:

**HB 24**, President appointing Senator Lind as Chair, Senators Kaufmann, Perry. House appointing Representatives Klock, Groesbeck, Rice.

**HB 533**, President appointing Senator Harrington as Chair, Senators Elliott, Story. House appointing Representatives Ankney, Lake, Windy Boy.

**HB 608**, President appointing Senator Kaufmann as Chair, Senators Williams, Lewis. House appointing Representatives Olson, Wells, Jayne.

**HB 668**, President appointing Senator Cocchiarella as Chair, Senators Squires, Steinbeisser. House appointing Representatives Stahl, Everett, Kottel.

**HB 687**, President appointing Senator Gillan as Chair, Senators Moss, Laible. House appointing Representatives Jones, McGillvray, Campbell.

**HB 715**, President appointing Senator Harrington as Chair, Senators Wanzenried, Gebhardt. House appointing Representatives Olson, Himmelberger, Driscoll.

**HB 766**, President appointing Senator Cocchiarella as Chair, Senators Weinberg, Esp. House appointing Representatives Sonju, Mendenhall, Keene.

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** moved to appoint a Free Conference Committee on the following:

**HB 462**, President appointing Senator Williams as Chair, Senators Gallus, Brown. House appointing Representatives Sands, Sinrud, Ward.

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**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bill was introduced, read first time, and referred to committee:

**SB 569**, introduced by Shockley, Gallus, McGee, Laslovich, Ankney, referred to Judiciary.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 818** concurred in as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 45

Nays: Balyeat, Brown, Essmann, McGee, O'Neil.  
Total 5

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 819** concurred in as follows:

Yeas: Bales, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 44

Nays: Balyeat, Barkus, Brown, McGee, O'Neil, Smith.  
Total 6

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 291**, house amendments, be concurred in as follows:

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Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: Esp.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator J. Tropila in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 820** - Senator Cobb moved **HB 820**, second reading copy, be amended as follows:

1. Page B-5, line 11.

**Strike:** "/OTO)"

2. Page B-8, line 26.

**Strike:** line 26 in its entirety.

3. Page B-9, line 4.

**Strike:** ", "

**Insert:** "and"

4. Page B-9, line 5;

**Following:** "committee"

**Strike:** ", and members of the joint appropriations subcommittee on health and human services"

5. Page B-10, line 1.

**Following:** "committee"

**Strike:** ", "

**Insert:** "and"

6. Page B-10, line 2.

**Following:** "committee"

**Strike:** ", and members of the joint appropriations subcommittee on health and human services"

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7. Page B-10, line 14.

**Following:** "committee"

**Strike:** ", "

**Insert:** "and"

8. Page B-10, line 15.

**Following:** "committee"

**Strike:** ", and members of the joint appropriations subcommittee on health and human services"

9. Page B-10, line 26.

**Following:** "committee"

**Strike:** ", "

**Insert:** "and"

10. Page B-10, line 27.

**Following:** "committee"

**Strike:** ", and members of the joint appropriations subcommittee on health and human services"

11. Page B-11, line 5.

**Following:** "committee"

**Strike:** ", "

**Insert:** "and"

12. Page B-11, line 6.

**Following:** "committee"

**Strike:** ", and members of the joint appropriations subcommittee on health and human services"

13. Page B-11, line 13.

**Following:** "committee"

**Strike:** ", "

**Insert:** "and"

14. Page B-11, line 14.

**Following:** "committee"

**Strike:** ", and members of the joint appropriations subcommittee on health and human services"

15. Page B-11, line 22.

**Following:** "committee"

**Strike:** ", "

**Insert:** "and"

16. Page B-11, line 23.

**Following:** "committee"

**Strike:** ", and members of the joint appropriations subcommittee on health and human services"

17. Page B-12, line 5.

**Following:** "committee"

**Strike:** ", "

**Insert:** "and"



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18. Page B-12, line 6.

**Following:** "committee"

**Strike:** ", and members of the joint appropriations subcommittee on health and human services"

19. Page B-12, line 14.

**Following:** "committee"

**Strike:** ", "

**Insert:** "and"

20. Page B-12, line 15.

**Following:** "committee"

**Strike:** ", and members of the joint appropriations subcommittee on health and human services"

21. Page B-13, line 3.

**Strike:** ", "

**Insert:** "and"

22. Page B-13, line 4.

**Following:** "committee"

**Strike:** ", and members of the joint appropriations subcommittee on health and human services"

23. Page B-14, line 2.

**Strike:** ", "

**Insert:** "and"

24. Page B-14, line 3.

**Following:** "committee"

**Strike:** ", and members of the joint appropriations subcommittee on health and human services"

25. Page B-15, line 12.

**Strike:** ", "

**Insert:** "and"

26. Page B-15, line 13.

**Following:** "committee"

**Strike:** ", and members of the joint appropriations subcommittee on health and human services"

Amendment adopted unanimously.

**HB 820** - Senator Cobb moved **HB 820**, second reading copy, be amended as follows:

1. Page B-4.

**Following:** line 11

**Insert:** "1. Additional Genetic Program Funding (Restricted)

200,000 200,000" [state special revenue FY08 and FY09]

Amendment adopted with Senator Balyeat, Shockley, Stapleton, Jackson voting nay.

**HB 820** - Senator Cobb moved **HB 820**, second reading copy, be amended as follows:

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1. Page B-1, line 24.

**Strike:** line 24 in its entirety

**Insert:** "26,156,607 27,754,553" [general fund FY08 and FY09]

"2,421,218 2,421,269" [state special revenue FY08 and FY09]

"28,175,714 29,374,037" [federal special revenue FY08 and FY09]

2. Page B-2, following line 25.

**Insert:** "d. Universal Health Care System Planning

253,859 211,054" [general fund FY08 and FY09]

3. Page B-3, line 22.

**Strike:** "0 0" [federal special revenue FY08 and FY09]

**Insert:** "37,410 74,710" [federal special revenue FY08 and FY09]

4. Page B-5, line 24.

**Strike:** "123,426,470 134,447,818" [general fund FY08 and general fund FY09]

**Insert:** "123,526,470 134,547,818" [general fund FY08 and general fund FY09]

**Strike:** "340,834,789 367,292,529" [federal special revenue FY08 and federal special revenue FY09]

**Insert:** "341,190,786 367,644,813" [federal special revenue FY 08 and federal special revenue FY09]

5. Page B-9, following line 14.

**Insert:** "If House Bill No. 57 is not passed and approved, Child and Family Services Division is reduced by \$70,000 in federal special revenue in fiscal year 2008 and by \$70,000 in federal special revenue in fiscal year 2009.

If House Bill No. 608 is not passed and approved, Child and Family Services Division is reduced by \$28,100 in state special revenue in fiscal year 2008 and by \$28,150 in state special revenue in fiscal year 2009.

If Senate Bill No. 504 is not passed and approved, Child and Family Services Division is reduced by \$136,389 in general fund money in fiscal year 2008, \$145,937 in general fund money in fiscal year 2009, \$58,453 in federal special revenue in fiscal year 2008, and \$62,544 in federal special revenue in fiscal year 2009."

6. Page B-10.

**Following:** line 18

**Insert:** "Universal Health Care System Planning is contingent upon passage and approval of Senate Bill No. 498."

7. Page B-13.

**Following:** line 2

**Insert:** "If House Bill No. 198 is not passed and approved, the funding in Health Resources Division is decreased by \$100,000 in general fund money and \$355,997 in federal special revenue in fiscal year 2008 and by \$100,000 in general fund money and \$352,284 in federal special revenue in fiscal year 2009."

Amendment adopted as follows:

Yeas: Cobb, Cocchiarella, Elliott, Esp, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 31

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Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Essmann, Jackson, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 19

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 820** - Senator Cobb moved **HB 820**, second reading copy, be amended as follows:

1. Page B-7, following line 18.

**Insert:** "m. Resource Facilitation Service -- Traumatic Brain Injury (Restricted/OTO) 100,000" [state special revenue FY09]

2. Page B-15, following line 10.

**Insert:** "Resource Facilitation Service--Traumatic Brain Injury may be used only to fund community-based entities that assist persons with a traumatic brain injury to access services that aid recovery from their injuries."

Amendment adopted as follows:

Yeas: Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 42

Nays: Bales, Balyeat, Barkus, Jackson, Larson, McGee, Stapleton, Steinbeisser.

Total 8

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 820** - Senator Cobb moved **HB 820**, second reading copy, be amended as follows:

1. Page B-10, line 12;

B-13, line 1;

B-13, line 16;

B-15, line 7;

B-16, line 11.

**Following:** "rates"

**Strike:** "by" through "2009"

2. Page B-14, line 7 through line 20.

**Following:** "provided." on line 7

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**Strike:** remainder of line 7 through line 20

**Insert:** "Funds in IGT Offset must be used first to offset a shortfall in the amount of county funds transferred as part of the county nursing home intergovernmental transfer program that are appropriated as state match for medicaid nursing home and home-based services. Up to \$1 million of any funds remaining in IGT Offset each year may be used for preventive health services, and up to \$600,000 of any funds remaining in IGT Offset each year may be used for the state match for medicaid services for children who are developmentally disabled."

3. Page B-14, line 22.

**Following:** "only"

**Strike:** "after a determination by the office of budget and program planning"

**Insert:** "if"

4. Page B-14, lines 24 and 25.

**Following:** "committee" on line 24

**Strike:** remainder of line 24 through line 25

**Insert:** "when the appropriation will be used."

5. Page B-15, line 8.

**Following:** "only"

**Strike:** "to provide health insurance for healthcare workers who are employed by entities"

**Insert:** "for provider rate increases for contractors"

6. Page B-14, line 9 through line 10.

**Following:** "program." on line 9

**Strike:** the remainder of line 9 through line 10

7. Page B-16, line 9 and line 10.

**Following:** "only"

**Strike:** "for services provided under" on line 9

**Insert:** "to implement"

**Following:** "(2)." on line 9

**Strike:** remainder of line 9 through line 10

8. Page B-16, line 17.

**Following:** "treatment."

**Strike:** "Pregnant women or women with children"

**Insert:** "Parents with children"

Amendment adopted unanimously.

**HB 820** - Senator Kaufmann moved **HB 820**, second reading copy, be amended as follows:

1. Page B-6.

**Following:** line 19

**Insert:** "1. Raise CHIP Eligibility to 200% of Poverty (Restricted)

"572,438 611,282" [state special revenue FY08 and FY09]

"2,037,862 2,153,452" [federal special revenue FY08 and FY09]

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2. Page B-13.

**Following:** line 27

**Insert:** "Raise CHIP Eligibility to 200% of Poverty is contingent upon passage and approval of a bill to raise financial eligibility for CHIP to 200% of the federal poverty level. Raise CHIP Eligibility to 200% of Poverty may be used only to pay for services for children eligible for CHIP."

Amendment adopted as follows:

Yeas: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Pease, Peterson, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 29

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, McGee, Murphy, O'Neil, Perry, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 21

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 820** - Senator Jackson moved **HB 820**, second reading copy, be amended as follows:

1. Page B-4, line 8 through line 9.

**Strike:** line 8 through line 9 in their entirety

**Renumber:** subsequent subsection

Amendment **not** adopted as follows:

Yeas: Bales, Balyeat, Barkus, Brown, Curtiss, Esp, Essmann, Gebhardt, Jackson, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story.

Total 19

Nays: Black, Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kitzenberg, Laible, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 30

Absent or not voting: None.

Total 0

Excused: Kaufmann.

Total 1

**HB 820** - Senator Brueggeman moved **HB 820**, second reading copy, be amended as follows:

1. Page B-4.

**Following:** line 11

**Insert:** "1. HPV Vaccine (Restricted/Biennial/OTO)

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290,412 290,412" [general fund FY08 and FY09]

Amendment **not** adopted as follows:

Yeas: Bales, Barkus, Brueggeman, Cocchiarella, Elliott, Gallus, Gebhardt, Gillan, Harrington, Jent, Juneau, Kaufmann, Kitzenberg, Lewis, Moss, Pease, Perry, Peterson, Shockley, Squires, Steinbeisser, Story, Tash, J.Tropila, Williams.  
Total 25

Nays: Balyeat, Black, Brown, Cobb, Curtiss, Esp, Essmann, Hansen, Hawks, Jackson, Laible, Larson, Laslovich, Lind, McGee, Murphy, O'Neil, Ryan, Schmidt, Smith, Stapleton, M.Tropila, Wanzenried, Weinberg, Mr. President.  
Total 25

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 820** - Senator Williams moved **HB 820**, second reading copy, be amended as follows:

1. Page B-5, line 12.  
**Strike:** "500,000 500,000" [general fund FY08 and FY09]  
"1,093,372 1,082,278" [federal special revenue FY08 and FY09]  
**Insert:** "830,118 1,164,864" [general fund FY08 and FY09]  
"1,815,254 2,521,414" [federal special revenue FY08 and FY09]

Amendment **not** adopted as follows:

Yeas: Barkus, Brown, Cocchiarella, Gallus, Gebhardt, Gillan, Harrington, Juneau, Kaufmann, Kitzenberg, Moss, Pease, Squires, J.Tropila, Wanzenried, Williams.  
Total 16

Nays: Bales, Balyeat, Black, Brueggeman, Cobb, Curtiss, Elliott, Esp, Essmann, Hansen, Hawks, Jackson, Jent, Laible, Laslovich, Lewis, Lind, McGee, Murphy, O'Neil, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, M.Tropila, Weinberg, Mr. President.  
Total 33

Absent or not voting: None.  
Total 0

Excused: Larson.  
Total 1

**HB 820** - Senator Weinberg moved **HB 820**, second reading copy, be amended as follows:

1. Page B-4.  
**Following:** line 11  
**Insert:** "1. HPV Vaccine (Restricted/OTO)  
400,000" [state special revenue FY09]

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Amendment adopted as follows:

Yeas: Bales, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 41

Nays: Balyeat, Barkus, Brown, Essmann, Jackson, McGee, Murphy, O'Neil, Stapleton.  
Total 9

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

Senator Williams moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Williams moved the Committee of the Whole report be adopted. Report **not** adopted unanimously.

**HB 820** - Senator Lind moved **HB 820**, second reading copy, be amended as follows:

1. Page B-2.  
Following: line 25  
Insert: "d. Montana Health Information Technology Task Force (Restricted/Biennial/OTO)  
2,000,000" [general fund FY08]

Amendment failed as follows: (should be 8-42?)

**HB 820** - Senator Kaufmann moved **HB 820**, second reading copy, be amended as follows:

1. Page B-5, line 24.  
**Strike:** "123,426,470 134,447,818" [general fund FY08 and FY09]  
**Insert:** "123,726,470 134,747,818" [general fund FY08 and FY09]

Amendment **not** adopted as follows:

Yeas: Brown, Cocchiarella, Curtiss, Elliott, Gillan, Harrington, Juneau, Kaufmann, Kitzenberg, Laible, McGee, Moss, Pease, Shockley, Smith, Squires, Story, J.Tropila, M.Tropila, Wanzenried, Williams.  
Total 21

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Esp, Essmann, Gallus, Gebhardt, Hansen, Hawks, Jackson, Jent, Larson, Laslovich, Lewis, Lind, Murphy, O'Neil, Perry, Peterson, Ryan, Schmidt, Stapleton, Steinbeisser, Tash, Weinberg, Mr. President.  
Total 29

Absent or not voting: None.  
Total 0

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Excused: None.  
Total 0

**HB 820** - Senator Cobb moved **HB 820**, second reading copy, be amended as follows:

1. Page B-10, line 12;  
B-13, line 1;  
B-13, line 16;  
B-15, line 7;  
B-16, line 11.

**Following:** "rates"

**Strike:** "by" through "2009"

2. Page B-14, line 7 through line 20.

**Following:** "provided." on line 7

**Strike:** remainder of line 7 through line 20

**Insert:** "Funds in IGT Offset must be used first to offset a shortfall in the amount of county funds transferred as part of the county nursing home intergovernmental transfer program that are appropriated as state match for medicaid nursing home and home-based services. Up to \$1 million of any funds remaining in IGT Offset each year may be used for preventive health services, and up to \$600,000 of any funds remaining in IGT Offset each year may be used for the state match for medicaid services for children who are developmentally disabled."

3. Page B-14, line 22.

**Following:** "only"

**Strike:** "after a determination by the office of budget and program planning"

**Insert:** "if"

4. Page B-14, lines 24 and 25.

**Following:** "committee" on line 24

**Strike:** remainder of line 24 through line 25

**Insert:** "when the appropriation will be used."

5. Page B-15, line 8.

**Following:** "only"

**Strike:** "to provide health insurance for healthcare workers who are employed by entities"

**Insert:** "for provider rate increases for contractors"

6. Page B-14, line 9 through line 10.

**Following:** "program." on line 9

**Strike:** the remainder of line 9 through line 10

7. Page B-16, line 9 and line 10.

**Following:** "only"

**Strike:** "for services provided under" on line 9

**Insert:** "to implement"

**Following:** "(2)." on line 9

**Strike:** remainder of line 9 through line 10



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8. Page B-16, line 17.

**Following:** "treatment."

**Strike:** "Pregnant women or women with children"

**Insert:** "Parents with children"

Amendment adopted unanimously.

Senate reconvened at 1:00 p.m.

Roll Call. All Senators present. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, Story, Tash, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 42

Nays: Balyeat, Gebhardt, Gillan, Jackson, McGee, O'Neil, Shockley, Stapleton.

Total 8

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator J. Tropila in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 820** - Senator Esp moved **HB 820**, second reading copy, be amended as follows:

1. Page B-2.

Following: line 25

Insert: "d. Montana Health Information Technology Task Force (Restricted/Biennial/OTO)  
1,600,000" [general fund FY08]

Explanation - This amendment provides \$1.6 million for a restricted, biennial, one-time-only appropriation to the Director's Office of the Department of Public Health and Human Services to fund the administration and organization of a Montana Health Information Technology Task Force to promote the use of electronic health information technology throughout Montana.

The mission of the task force is to support, promote, and encourage the exchange of secure and reliable health information among healthcare providers and regional networks to improve the safety, quality, and efficiency of healthcare through the adoption of electronic health records along with other forms of health information technology.

Amendment **not** adopted as follows:

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Yeas: Bales, Barkus, Black, Brueggeman, Cocchiarella, Esp, Essmann, Gebhardt, Gillan, Jackson, Laible, Laslovich, Lewis, Lind, McGee, Murphy, Perry, Peterson, Shockley, Steinbeisser, Story, Tash.  
Total 22

Nays: Brown, Cobb, Curtiss, Elliott, Gallus, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Moss, O'Neil, Pease, Ryan, Schmidt, Smith, Squires, Stapleton, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 27

Absent or not voting: Balyeat.  
Total 1

Excused: None.  
Total 0

**HB 820** - Senator McGee moved **HB 820**, second reading copy, be amended as follows:

1. Page B-5, line 24.

**Strike:** "123,426,470 134,447,818" [general fund FY08 and FY09]

**Insert:** "123,726,470 134,747,818" [general fund FY08 and FY09]

2. Page B-6, line 1.

**Strike:** "318,036 319,050" [general fund FY08 and FY09]

**Insert:** "18,036 19,050" [general fund FY08 and FY09]

**Strike:** "0 0" [state special revenue FY08 and FY09]

**Insert:** "300,000 300,000" [state special revenue FY08 and FY09]

Amendment adopted as follows:

Yeas: Black, Brown, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Harrington, Kaufmann, Laslovich, Lewis, Lind, McGee, Moss, O'Neil, Pease, Peterson, Shockley, Smith, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 32

Nays: Bales, Balyeat, Barkus, Brueggeman, Hansen, Hawks, Jackson, Jent, Juneau, Kitzenberg, Laible, Larson, Murphy, Perry, Ryan, Schmidt, Squires, Stapleton.  
Total 18

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 820** - Senator Lewis moved **HB 820**, second reading copy, be amended as follows:

1. Page E-3.

**Following:** line 2

**Insert:** "h. Agriculture Experiment Station Additional Appropriation (OTO) 250,000 250,000" [general fund FY08 and FY09]

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**Renumber:** subsequent subsections

Amendment adopted as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Hawks, Jent, Kitzenberg, Laible, Larson, Lewis, McGee, Murphy, Pease, Perry, Peterson, Smith, Stapleton, Steinbeisser, Story, Tash, J.Tropila.  
Total 28

Nays: Balyeat, Cobb, Gallus, Gillan, Hansen, Harrington, Jackson, Juneau, Kaufmann, Laslovich, Lind, Moss, O'Neil, Ryan, Schmidt, Shockley, Squires, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 22

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 820** - Senator Lewis moved **HB 820**, second reading copy, be amended as follows:

1. Page E-3.

**Following:** line 4

**Insert:** "i. Extension Service Additional Appropriation (OTO) 125,000 125,000" [general fund FY08 and FY09]

**Renumber:** subsequent subsections

Amendment **not** adopted as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Curtiss, Elliott, Esp, Essmann, Gebhardt, Jent, Kitzenberg, Laible, Lewis, McGee, Murphy, Peterson, Squires, Stapleton, Steinbeisser, Story, Tash.  
Total 22

Nays: Balyeat, Cobb, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Juneau, Kaufmann, Larson, Laslovich, Lind, Moss, O'Neil, Pease, Ryan, Schmidt, Shockley, Smith, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 26

Absent or not voting: None.  
Total 0

Excused: Cocchiarella, Perry.  
Total 2

**HB 820** - Senator Cooney moved **HB 820**, second reading copy, be amended as follows:

1. Page E-2, line 5.

**Strike:** "9,020,064 9,020,064" [general fund FY08 and FY09]

**Insert:** "8,254,210 8,390,361" [general fund FY08 and FY09]

2. Page E-2, line 7.

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**Strike:** "30,528" [general fund FY08]  
**Insert:** "27,936" [general fund FY08]

3. Page E-4, line 27 through page E-5, line 1.

**Following:** "provides"

**Strike:** "53%" on page E-4, line 27 through "2009" on page E-5, line 1.

**Insert:** "49.3% of the fixed cost of education plus 49.3% of the variable cost of education for each full-time equivalent student"

4. Page E-5, line 6.

**Strike:** "53%"

**Insert:** "48.5%"

5. Page E-5, line 7.

**Strike:** "47%"

**Insert:** "51.5%"

Amendment adopted as follows:

Yeas: Balyeat, Cocchiarella, Elliott, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Laible, Larson, Laslovich, Lind, Moss, Murphy, Perry, Ryan, Schmidt, Shockley, Smith, Squires, J.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 27

Nays: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gallus, Gebhardt, Jackson, Kitzenberg, Lewis, McGee, O'Neil, Pease, Peterson, Stapleton, Steinbeisser, Story, Tash, M.Tropila.  
Total 23

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 820** - Senator Wanzenried moved **HB 820**, second reading copy, be amended as follows:

1. Page E-2, Line 11.

**Strike:** "5,827,643 5,829,109" [federal special revenue FY08 and FY09]

**Insert:** "6,307,643 6,309,109" [federal special revenue FY08 and FY09]

2. Page E-2.

**Strike:** line 12 through line 13 in their entirety

Amendment adopted as follows:

Yeas: Cocchiarella, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 30

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Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Jackson, McGee, O'Neil, Perry, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 19

Absent or not voting: None.

Total 0

Excused: Peterson.

Total 1

**HB 820** - Senator Wanzenried moved **HB 820**, second reading copy, be amended as follows:

1. Page E-8, line 18.

**Strike:** "1,830,230 2,088,762 [general fund FY08 and FY09]

1,081,517 1,081,517" [state special revenue FY08 and FY09]

**Insert:** "1,970,230 2,228,762 [general fund FY08 and FY09]

941,517 941,517" [state special revenue FY08 and FY09]

Amendment adopted unanimously.

**HB 820** - Senator Wanzenried moved **HB 820**, second reading copy, be amended as follows:

1. Page D-6, line 12.

**Strike:** "18,065,392 18,122,838" [general fund FY08 and FY09]

**Insert:** "18,088,134 18,124,342" [general fund FY08 and FY09]

2. Page D-8, line 22.

**Strike:** "1,210,815 1,216,685" [general fund FY08 and FY09]

**Insert:** "1,225,995 1,231,895" [general fund FY08 and FY09]

3. Page E-7, line 7.

**Strike:** "412,137 412,761" [general fund FY08 and FY09]

**Insert:** "413,290 413,914" [general fund FY08 and FY09]

4. Page E-7, line 13.

**Strike:** "1,226,546 1,235,203" [general fund FY08 and FY09]

**Insert:** "1,232,083 1,240,612" [general fund FY08 and FY09]

5. Page E-7, line 15.

**Strike:** "2,701,765 2,831,110" [general fund FY08 and FY09]

**Insert:** "2,731,439 2,861,186" [general fund FY08 and FY09]

Amendment adopted as follows:

Yeas: Black, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 34

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Nays: Bales, Balyeat, Barkus, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, McGee, Murphy, O'Neil, Shockley, Stapleton, Steinbeisser.

Total 16

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 820** - Senator Lind moved **HB 820**, second reading copy, be amended as follows:

1. Page E-2, line 1.

**Strike:** "5,197,136 5,382,581" [general fund FY08 and FY09]

**Insert:** "5,361,936 5,723,381" [general fund FY08 and FY09]

Amendment **not** adopted as follows:

Yeas: Cobb, Gallus, Gebhardt, Harrington, Jent, Kaufmann, Kitzenberg, Laible, Lewis, Lind, Pease, Smith, Squires, M.Tropila, Weinberg, Williams, Mr. President.

Total 17

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Elliott, Esp, Essmann, Gillan, Hansen, Hawks, Jackson, Juneau, Larson, Laslovich, McGee, Moss, Murphy, O'Neil, Perry, Peterson, Ryan, Schmidt, Shockley, Stapleton, Steinbeisser, Story, Tash, J.Tropila, Wanzenried.

Total 32

Absent or not voting: None.

Total 0

Excused: Cocchiarella.

Total 1

**HB 820** - Senator Hawks moved **HB 820**, second reading copy, be amended as follows:

1. Page E-2, line 15.

**Strike:** "17,285,323 16,089,436" [state special revenue FY08 and FY09]

**Insert:** "17,123,436 15,627,715" [state special revenue FY08 and FY09]

2. Page E-2.

**Following:** line 17

**Insert:** "b. Increase Business Tax Exemption and Reduce Tax Rate 161,887 461,721" [general fund FY08 and FY09]

**Renumber:** subsequent subsections

3. Page E-5.

**Following:** line 10

**Insert:** "If House Bill No. 529 is not passed and approved, Increase Business Tax Exemption and Reduce Tax Rate is eliminated and OCHE--Appropriation Distribution Transfers is increased by \$161,887 in state special revenue in fiscal year 2008 and by \$461,721 in state special revenue in fiscal year 2009."

Amendment **not** adopted as follows:

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Yeas: Cobb, Cocchiarella, Gallus, Gebhardt, Gillan, Hansen, Hawks, Jent, Juneau, Kaufmann, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Squires, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 23

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Elliott, Esp, Essmann, Harrington, Jackson, Kitzenberg, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash, J.Tropila.

Total 26

Absent or not voting: None.

Total 0

Excused: Smith.

Total 1

**HB 820** - Senator Cobb moved **HB 820**, second reading copy, be amended as follows:

1. Page E-8.

**Following:** line 11

**Insert:** "e. Advisory Council Reimbursement Increase  
3,280" [general fund FY09]

2. Page E-8.

**Following:** line 15

**Insert:** "Advisory Council Reimbursement Increase funding is contingent upon passage and approval of Senate  
Bill No. 62."

Amendment **not** adopted as follows:

Yeas: Black, Brown, Cobb, Cocchiarella, Elliott, Gallus, Gebhardt, Harrington, Kitzenberg, Laible, Lewis, Moss, Pease, Smith, Squires, M.Tropila, Wanzenried.

Total 17

Nays: Bales, Balyeat, Barkus, Brueggeman, Curtiss, Esp, Essmann, Gillan, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Larson, Laslovich, Lind, McGee, Murphy, O'Neil, Perry, Peterson, Ryan, Schmidt, Shockley, Stapleton, Steinbeisser, Story, Tash, J.Tropila, Weinberg, Williams, Mr. President.

Total 33

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**This Amendment was segregated into 3 different parts and 3 different votes**

**HB 820** - Senator Cobb moved **HB 820**, second reading copy, be further amended as follows:

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1. Page A-9.

**Following:** line 9

**Insert:** "b. Senate Bill No. 235 (OTO) 24,837" [state special revenue FY08]

2. Page A-9.

**Following:** line 11

**Insert:** "a. Senate Bill No. 4 29,978 30,009" [state special revenue FY08 and FY09]

3. Page A-9.

**Following:** line 19

**Insert:** "d. House Bill No. 27 82,222 79,447" [general fund FY08 and FY09]

4. Page A-10.

**Following:** line 21

**Insert:** "If Senate Bill No. 235 is not passed and approved, Senate Bill No. 235 is void.

If Senate Bill No. 4 is not passed and approved, Senate Bill No. 4 is void."

5. Page A-10.

**Following:** line 22

**Insert:** "If House Bill No. 27 is not passed and approved, House Bill No. 27 is void."

Amendment adopted as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Ryan, Schmidt, Smith, Squires, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 34

Nays: Bales, Balyeat, Barkus, Brown, Curtiss, Essmann, Jackson, McGee, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story.  
Total 15

Absent or not voting: None.

Total 0

Excused: Black.

Total 1

**HB 820** - Senator Cobb moved **HB 820**, second reading copy, be amended as follows:

1. Page A-5.

Following: line 17

Insert: "a. House Bill No. 531 (OTO) 25,342" [state special revenue FY08]

2. Page A-5.

Following: line 19

Insert: "a. House Bill No. 556 (Biennial/OTO) 20,000"



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3. Page A-6.

Following: line 19

Insert: "If House Bill No. 531 is not passed and approved, House Bill No. 531 is void.

If House Bill No. 556 is not passed and approved, House Bill No. 556 is void."

Amendment adopted as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Ryan, Schmidt, Smith, Squires, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 32

Nays: Bales, Balyeat, Barkus, Brown, Curtiss, Esp, Essmann, Gebhardt, Jackson, Larson, McGee, O'Neil, Perry, Peterson, Shockley, Stapleton, Story.

Total 17

Absent or not voting: None.

Total 0

Excused: Black.

Total 1

**HB 820** - Senator Cobb moved **HB 820**, second reading copy, be amended as follows:

1. Page A-11.

**Following:** line 14

**Insert:** "a. SB 547 -- Sexual Offender Caseload 45,600 45,600 [general fund FY08 and FY09]

b. SB 104 -- Extend Statute of Limitations Certain Sex Crimes Caseload 141,000 141,000 [general fund FY08 and FY09]

c. SB 163 -- Nolo Contendere Plea Caseload 7,500 7,500 [general fund FY08 and FY09]

d. HB 629 -- Mediation for Criminal Proceedings 30,000 30,000"  
[general fund FY08 and FY09]

2. Page A-11.

**Following:** line 19

**Insert:** "If Senate Bill No. 547 is not passed and approved, funding in SB 547--Sexual Offender Caseload is void.

If Senate Bill No. 104 is not passed and approved, funding in SB 104--Extend Statute of Limitations Certain Sex Crimes Caseload is void.

If Senate Bill No. 163 is not passed and approved, funding in SB 163--Nolo Contendere Plea Caseload is void.

If House Bill No. 629 is not passed and approved, funding in HB 629--Mediation for Criminal Proceedings is void."

Amendment adopted as follows:

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Yeas: Brueggeman, Cobb, Cocchiarella, Esp, Gallus, Gebhardt, Gillan, Hansen, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Lewis, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 29

Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Essmann, Hawks, Jackson, Larson, Laslovich, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser.  
Total 19

Absent or not voting: None.  
Total 0

Excused: Elliott, Harrington.  
Total 2

**HB 820** - Senator Cobb moved **HB 820**, second reading copy, be amended as follows:

1. Page A-1, line 8.

**Strike:** "5,000" [general fund FY08]

**Insert:** "2,500 2,500" [general fund FY08 and FY09]

2. Page A-2, line 19.

**Strike:** "year 2008"

**Insert:** "year 2009"

3. Page A-3, line 14.

**Following:** "includes

**Strike:** "funding"

**Insert:** "\$100 in general fund money in each fiscal year"

4. Page A-3, line 19.

**Strike:** "appropriation is void."

**Insert:** "general fund appropriation is reduced by \$100."

5. Page A-3, line 26.

**Strike:** "5,000" [general fund FY08]

**Insert:** "2,500 2,500" [general fund FY08 and FY09]

6. Page A-4, line 26

**Strike:** line 26 in its entirety.

**Insert:** "If the reports are not received by the legislative finance committee by August 15, 2007, and June 30, 2008, the fiscal year 2009 appropriation is void."

Amendment adopted as follows:

Yeas: Bales, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 41

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Nays: Balyeat, Barkus, Brown, Juneau, Shockley, Stapleton, Steinbeisser.  
Total 7

Absent or not voting: None.  
Total 0

Excused: Black, Esp.  
Total 2

**HB 820** - Senator Cobb moved **HB 820**, second reading copy, be amended as follows:

1. Page A-3.

Following: line 10

Insert: "e. Constituent Services Account  
5,300 21,000" [general fund FY08 and FY09]

2. Page A-3.

Following: line 10

Insert: "e. Supreme Court Publicly Financed Campaigns  
196,474 421,414" [state special revenue FY08 and FY09]

3. Page A-3.

Following: line 10

Insert: "e. Broadcast Campaign Advertising Material and Affidavit  
4,400" [general fund FY08]

4. Page A-3.

Following: line 19

Insert: "Constituent Services Account funding is contingent upon passage and approval of House Bill No. 462."

5. Page A-3.

Following: line 19

Insert: "Supreme Court Publicly Financed Campaigns funding is contingent upon passage and approval of Senate Bill No. 202."

6. Page A-3.

Following: line 19

Insert: "Broadcast Campaign Advertising Material and Affidavit funding is contingent upon passage and approval of Senate Bill No. 253."

Amendment adopted as follows:

Yeas: Cobb, Cocchiarella, Elliott, Esp, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lind, Moss, Pease, Schmidt, Squires, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 28

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Essmann, Gebhardt, Jackson, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Ryan, Shockley, Smith, Stapleton, Steinbeisser, Story.  
Total 22

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 820** - Senator Cobb moved **HB 820**, second reading copy, be amended as follows:

1. Page A-7.

**Following:** line 3

**Insert:** "d. House Bill No. 680 136,245 136,372 [general fund FY08 and FY09]

e. House Bill No. 680 One-Time Costs (OTO) 7,850" [general fund FY08]

2. Page A-7.

**Following:** line 7

**Insert:** "b. Senate Bill No. 439 6,085 3,585 [general fund FY08 and FY09]

c. Senate Bill No. 439 One-Time Costs (OTO) 300,000" [general fund FY08]

3. Page A-7.

**Following:** line 11

**Insert:** "b. Senate Bill No. 296 34,436 28,384" [proprietary funds FY08 and FY09]

4. Page A-7.

**Following:** line 21

**Insert:** "c. House Bill No. 680 38,951 38,982 [general fund FY08 and FY09]

d. House Bill No. 680 One-Time Costs (OTO) 3,925

e. Senate Bill No. 439 125,245 126,141 [general fund FY08 and FY09]

f. Senate Bill No. 439 One-Time Costs (OTO) 11,800" [general fund FY08]

5. Page A-8.

**Following:** line 11

**Insert:** "If House Bill No. 680 is not passed and approved, House Bill No. 680 and House Bill No. 680 One-Time Costs are void.

If Senate Bill No. 439 is not passed and approved, Senate Bill No. 439 and Senate Bill No. 439 One-Time Costs are void."

6. Page A-8.

**Following:** line 12

**Insert:** "If Senate Bill No. 296 is not passed and approved, Senate Bill No. 296 is void."

Amendment adopted as follows:

Yeas: Cobb, Cocchiarella, Elliott, Esp, Gallus, Gillan, Hansen, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 29

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Essmann, Gebhardt, Jackson, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story.

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Total 20

Absent or not voting: None.

Total 0

Excused: Harrington.

Total 1

**HB 820** - Senator Cocchiarella moved **HB 820**, second reading copy, be amended as follows:

1. Page A-10.

**Following:** line 23

**Insert:** "The department is appropriated up to \$500,000 of state special revenue each year of the biennium to assist agencies in reducing workers' compensation injuries and costs. These funds may not be expended for activities that duplicate other agency expenditures or programs."

Amendment adopted as follows:

Yeas: Cobb, Cocchiarella, Esp, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 35

Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Elliott, Essmann, Jackson, O'Neil, Perry, Stapleton, Story.

Total 13

Absent or not voting: None.

Total 0

Excused: Brueggeman, Jent.

Total 2

**HB 820** - Senator Larson moved **HB 820**, second reading copy, be amended as follows:

1. Page A-6.

**Following:** line 6

**Insert:** "b. Southern Rail Passenger Route Study (Biennial/OTO) 150,000"  
[general fund FY08]

Amendment **not** adopted as follows:

Yeas: Cobb, Cocchiarella, Gallus, Harrington, Kaufmann, Kitzenberg, Larson, Lewis, Moss, Pease, Ryan, Smith, Squires, J.Tropila.

Total 14

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Elliott, Esp, Essmann, Gebhardt, Gillan, Hansen, Hawks, Jackson, Jent, Juneau, Laible, Laslovich, Lind, McGee, Murphy, O'Neil, Perry, Peterson, Schmidt, Shockley, Stapleton, Steinbeisser, Story, Tash, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 36

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 820** - Senator Hansen moved **HB 820**, second reading copy, be amended as follows:

1. Page C-2.  
**Strike:** line 19 through line 20 in their entirety
2. Page C-2, lines 26 through 27  
**Strike:** "If" on line 26 through line 27 in their entirety
3. Page C-4, lines 19 through 21  
**Strike:** line 19 through line 21 in their entirety
4. Page C-4., lines 22 and 23  
**Strike:** "funding" on line 22 through "providing" on line 23  
**Insert:** "department shall provide"
5. Page C-4.  
**Strike:** line 27 in its entirety
6. Page C-8.  
**Strike:** line 21 through line 25 in their entirety
7. Page C-8, line 26.  
**Strike:** "September"  
**Insert:** "June"
8. Page C-9, line 1.  
**Strike:** "September "  
**Insert:** "June"

Amendment adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 46

Nays: Cobb, Larson, Shockley.  
Total 3

Absent or not voting: None.  
Total 0

Excused: Harrington.

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Total 1

**HB 820** - Senator Lind moved **HB 820**, second reading copy, be amended as follows:

1. Page C-2.

**Following:** line 3

**Insert:** "b. Rattlesnake Footbridge and Bike Trail at Pine Street (Restricted/Biennial/OTO) 37,500 37,500"  
[federal special revenue FY08 and FY09]

Amendment adopted as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Laslovich, Lewis, Lind, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 27

Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Esp, Essmann, Gebhardt, Gillan, Jackson, Larson, McGee, Moss, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 820** - Senator Cobb moved **HB 820**, second reading copy, be amended as follows:

1. Page B-14, line 7. Amend amendment HB820-87.

**Following:** "provided." on line 7

**Strike:** "IGT Offset must be used first to fund a shortfall in the amount of county funds transferred as part of the county nursing home intergovernmental transfer program that are appropriated as state match for medicaid nursing home and home-based services. Up to \$1 million of any funds remaining in IGT Offset each year may be used for preventive health services, and up to \$600,000 of any funds remaining in IGT Offset each year may be used for the state match for medicaid services for children who are developmentally disabled."

**Insert:** "Funds in IGT Offset may be used as medicaid matching funds for nursing home services and home-based services for aged and physically disabled persons only if the county nursing home intergovernmental transfer program is not sufficient to reimburse county nursing homes a net payment of at least \$5 a day for medicaid services and other nursing homes a net payment of at least \$2 a day for medicaid services. IGT Offset must be used first to fund a shortfall in the amount of county funds transferred as part of the county nursing home intergovernmental transfer program that is appropriated as state match for medicaid nursing home and home-based services. Up to \$1 million of any funds remaining in IGT Offset each year may be used for preventive health services, and up to \$600,000 of any funds remaining in IGT Offset each year may be used for the state match for medicaid services for children who are developmentally disabled."

Amendment adopted as follows:

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Yeas: Bales, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Peterson, Ryan, Schmidt, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 43

Nays: Balyeat, Barkus, O'Neil, Perry, Shockley, Stapleton.  
Total 6

Absent or not voting: None.  
Total 0

Excused: Smith.  
Total 1

**HB 820** - Senator Wanzenried moved **HB 820**, second reading copy, be amended as follows:

1. Page C-3, line 8.

**Strike:** "1,177,111 1,163,702" [state special revenue FY08 and FY09]

**Insert:** "1,142,540 1,129,131" [state special revenue FY08 and FY09]

2. Page 3, line 24.

**Strike:** "13,633,712 13,635,303"[state special revenue FY08 and FY09]

**Insert:** "13,545,782 13,547,373"[state special revenue FY08 and FY09]

Amendment adopted as follows:

Yeas: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 29

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, McGee, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 20

Absent or not voting: None.  
Total 0

Excused: Kitzenberg.  
Total 1

**HB 820** - Senator Jent moved **HB 820**, second reading copy, be amended as follows:

1. Page C-2, line 7.

**Strike:** "200,000 200,000" [state special revenue FY08 and FY09]

**Insert:** "125,000 125,000" [state special revenue FY08 and FY09]

Amendment adopted as follows:



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Yeas: Bales, Black, Cobb, Cocchiarella, Elliott, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, McGee, Moss, Pease, Ryan, Schmidt, Smith, Squires, Steinbeisser, Tash, J.Tropila, M.Tropila, Weinberg, Williams, Mr. President.

Total 30

Nays: Balyeat, Barkus, Brown, Brueggeman, Curtiss, Esp, Essmann, Gallus, Gebhardt, Gillan, Laible, Lewis, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Story, Wanzenried.

Total 20

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 820** - Senator Cobb moved **HB 820**, second reading copy, be amended as follows:

1. Page C-8, line 1. Amend amendment HB820-49.

**Strike:** "907,207" [general fund FY09]

**Insert:** "607,207" [general fund FY09]

2. Page D-2, line 1. Amend amendment HB 820-42 by

**Strike:** "7,255,253 [general fund FY09]

5,152,060" [state special FY09]

**Insert:** "7,244,977 [general fund FY09]

5,145,210" [state special FY09]

3. Page D-3.

**Following:** line 10, Amend amendment HB 820-42 by

**Strike:** "Motor Vehicle Division includes general fund money of \$10,276 in fiscal year 2008 and fiscal year 2009 and \$6,850 in state special revenue in fiscal year 2008 and 2009 that are contingent upon passage and approval of House Bill No. 840. If House Bill No. 840 is not passed and approved, funding in Motor Vehicle Division is reduced by this amount."

**Insert:** "Motor Vehicle Division includes general fund money of \$10,276 and state special revenue of \$6,850 in fiscal year 2008 that are contingent upon passage and approval of House Bill No. 840. If House Bill No. 840 is not passed and approved, funding in Motor Vehicle Division is reduced by this amount."

4. Page D-6, line 12. Amend amendment HB 820-86 by

**Strike:** "18,124,342" [general fund FY09]

**Insert:** "18,145,703" [general fund FY09]

Amendment adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, McGee, Moss, Murphy, O'Neil, Pease, Perry, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 47

Nays: Stapleton.

Total 1

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Absent or not voting: Lind, Peterson.  
Total 2

Excused: None.  
Total 0

**HB 820** - Senator Jent moved **HB 820**, second reading copy, be amended as follows:

1. Page C-1.

**Following:** line 6

**Insert:** "a. Culbertson Overlook State Park (Restricted/Biennial/OTO) 1,011,000" [state special revenue FY08]

2. Page C-2.

**Following:** line 20

**Insert:** "Culbertson Overlook State Park is restricted to up to \$1 million for land purchase costs and \$11,000 for development and maintenance costs."

Amendment adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Cobb, Curtiss, Esp, Essmann, Gallus, Gebhardt, Hawks, Jackson, Jent, Laible, Larson, Lind, McGee, Murphy, O'Neil, Perry, Peterson, Schmidt, Shockley, Squires, Stapleton, Story, Tash, Weinberg, Mr. President.  
Total 30

Nays: Brueggeman, Cocchiarella, Elliott, Gillan, Hansen, Harrington, Juneau, Kaufmann, Kitzenberg, Laslovich, Lewis, Moss, Pease, Ryan, Smith, Steinbeisser, J.Tropila, M.Tropila, Wanzenried, Williams.  
Total 20

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 820** - Senator Cobb moved **HB 820**, second reading copy, be amended as follows:

1. Page A-4.

**Following:** line 11

**Insert:** "f. Fire Claim Liens

110,452 100,452" [state special FY08 and FY08]

2. Page A-4.

**Following:** line 27

**Insert:** "Fire Claim Liens funding is contingent upon passage and approval of Senate Bill No. 451."

Amendment adopted with Senator Balyeat, Brown, O'Neil voting nay.

**HB 820** - Senator Cobb moved **HB 820**, second reading copy, be amended as follows:

1. Page A-4.

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**Following:** line 11

**Insert:** "f. Fire Claim Liens

110,452 100,452" [state special FY08 and FY08]

2. Page A-4.

**Following:** line 27

**Insert:** "Fire Claim Liens funding is contingent upon passage and approval of Senate Bill No. 451."

Amendment adopted with Senator Brown, Shockley, O'Neil, Balyeat voting nay.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 10:00 a.m., Friday, April 13, 2007. Motion carried.

Senate adjourned at 5:54 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

**SENATE JOURNAL  
60TH LEGISLATURE  
SEVENTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana  
April 13, 2007

Senate Chambers  
State Capitol

Senate convened at 10:00 a.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. Senators Elliott, Jackson, Smith, Steinbeisser excused. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Gallus, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Squires, Stapleton, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 38

Nays: Balyeat, Essmann, Gebhardt, Gillan, Lind, McGee, O'Neil, Shockley.

Total 8

Absent or not voting: None.

Total 0

Excused: Elliott, Jackson, Smith, Steinbeisser.

Total 4

**REPORTS OF STANDING COMMITTEES**

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Cocchiarella, Chairman):

4/13/2007

**HB 141**, be amended as follows:

1. Title, line 15.

**Strike:** second "AND"

2. Title, line 16.

**Following:** "MCA"

**Insert:** "; AND PROVIDING EFFECTIVE DATES"

3. Page 17.

**Following:** line 9

**Insert:** "NEW SECTION. **Section 24. Effective dates.** (1) Except as provided in subsection (2), [this act] is effective October 1, 2008.

(2) [Sections 3 and 5 and this section] are effective October 1, 2007."

And, as amended, be concurred in. Report adopted.

**HB 665**, be concurred in. Report adopted.

**HB 790**, be concurred in. Report adopted.

**EDUCATION AND CULTURAL RESOURCES** (Ryan, Chairman):

4/13/2007

**HB 678**, be amended as follows:

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1. Title, page 1, line 6 through line 7.

**Following:** "AID;" on line 6

**Strike:** "ELIMINATING" on line 6 through "LEVY;" on line 7

2. Title, page 1, line 7.

**Strike:** "ELIMINATING"

**Insert:** "REVISING"

3. Title, page 1, line 7 through line 10.

**Following:** "BUDGET;"

**Strike:** "REVISING" on line 7 through "CREDIT;" on line 10

4. Title, page 1, line 10.

**Strike:** "ELIMINATING"

**Insert:** "REDUCING"

5. Title, page 1, line 11.

**Following:** "SECTIONS"

**Strike:** "20-3-106" through "20-9-104,"

6. Title, page 1, line 11 through line 12.

**Strike:** "20-9-308" on line 11 through "20-9-351," on line 12

7. Title, page 1, line 12.

**Strike:** "20-9-369 through 20-10-144"

**Insert:** "AND 20-9-630"

8. Title, page 1, line 12 through line 13.

**Strike:** "REPEALING" on line 12 through "MCA;" on line 13

9. Title, line 13.

**Following:** "PROVIDING"

**Insert:** "AN"

**Strike:** "DATES AND APPLICABILITY DATES"

**Insert:** "DATE AND AN APPLICABILITY DATE"

10. Page 1, line 17 through page 9, line 15.

**Strike:** section 1 through section 6 in their entirety

**Renumber:** subsequent sections

11. Page 9, line 25.

**Following:** "(ii)"

**Strike:** "determining"

**Insert:** "totaling:

(i) the district's nonisolated school BASE budget requirement to be met by a district levy as provided in 20-9-303; and

(ii)"

12. Page 10, line 6.

**Following:** "aid;"

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**Insert:** ", excluding any guaranteed tax base aid"

13. Page 10, line 8.

**Following:** "~~(4)~~"

**Strike:** "(3)"

**Insert:** "(4)"

14. Page 10, line 10.

**Following:** "~~subtract~~"

**Strike:** "Subtract"

**Insert:** "Notwithstanding the provisions of subsection (2), subtract"

15. Page 10, line 13.

**Following:** "~~requirement~~"

**Insert:** ", up to the BASE budget amount, to determine the general fund BASE budget levy requirement"

16. Page 10, line 28.

**Following:** line 27

**Insert:** "(2) The county superintendent shall calculate the number of mills to be levied on the taxable property in the district to finance the general fund levy requirement for any amount that does not exceed the BASE budget amount for the district by dividing the amount determined in subsection (1)(c) by the sum of:

(a) the amount of guaranteed tax base aid that the district will receive for each mill levied, as certified by the superintendent of public instruction; and

(b) the current total taxable valuation of the district, as certified by the department of revenue under 15-10-202, divided by 1,000."

**Renumber:** subsequent subsections

17. Page 11, line 11.

**Following:** first "~~44.7%~~"

**Strike:** "80%"

**Insert:** "40%"

**Following:** second "~~44.7%~~"

**Strike:** "80%"

**Insert:** "40%"

18. Page 11, line 16.

**Following:** line 15

**Insert:** "(b) guaranteed tax base aid for an eligible district for any amount up to 40% of the basic entitlement, up to 40% of the total per-ANB entitlement budgeted in the general fund budget of a district, and 40% of the special education allowable cost payment;"

**Renumber:** subsequent subsections

19. Page 11, line 23.

**Following:** "~~140%~~"

**Strike:** "100%"

**Insert:** "140%"

20. Page 11, line 27.

**Following:** line 26

**Insert:** "(4) "BASE budget levy" means the district levy in support of the BASE budget of a district, which may

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be supplemented by guaranteed tax base aid if the district is eligible under the provisions of 20-9-366 through 20-9-369."

**Renumber:** subsequent subsections

21. Page 12, line 14.

**Following:** first "~~44.7%~~"

**Strike:** "80%"

**Insert:** "40%"

**Following:** second "~~44.7%~~"

**Strike:** "80%"

**Insert:** "40%"

22. Page 13, line 22 through page 25, line 6.

**Strike:** section 9 through section 11 in their entirety

**Renumber:** subsequent sections

23. Page 25, line 26.

**Following:** "~~(b)~~"

**Insert:** "(a) "District guaranteed tax base ratio" for guaranteed tax base funding for the BASE budget of an eligible district means the taxable valuation in the previous year of all property in the district divided by the sum of the district's current year BASE budget amount less direct state aid and the state special education allowable cost payment.

(b)"

24. Page 26, line 9.

**Following:** "~~(b)~~"

**Insert:** "(a) "Statewide elementary guaranteed tax base ratio" or "statewide high school guaranteed tax base ratio", for guaranteed tax base funding for the BASE budget of an eligible district, means the sum of the taxable valuation in the previous year of all property in the state, multiplied by 250% and divided by the total sum of either the state elementary school districts' or the high school districts' current year BASE budget amounts less total direct state aid.

(b)"

25. Page 26, line 16.

**Following:** "or"

**Insert:** "guaranteed tax base aid or state advance or"

26. Page 26, line 21.

**Following:** "~~budget~~"

**Insert:** "(1) If the district guaranteed tax base ratio of any elementary or high school district is less than the corresponding statewide elementary or high school guaranteed tax base ratio, the district may receive guaranteed tax base aid based on the number of mills levied in the district in support of up to 40% of the basic entitlement, up to 40% of the total per-ANB entitlement, and up to 40% of the special education allowable cost payment budgeted within the general fund budget"

**Renumber:** subsequent subsections

27. Page 27, line 19.

**Following:** line 18

**Insert:** " (3) The amount of guaranteed tax base aid that a district may receive in support of up to 40% of the basic entitlement, up to 40% of the total per-ANB entitlement budgeted within the general fund budget, and up

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to 40% of the special education payment is calculated in the following manner:

(a) multiply the sum of the district's BASE budget amount less direct state aid by the corresponding statewide guaranteed tax base ratio;

(b) subtract the taxable valuation of the district from the product obtained in subsection (3)(a); and

(c) divide the remainder by 1,000 to determine the equivalent to the dollar amount of guaranteed tax base aid for each mill levied."

**Renumber:** subsequent subsections

28. Page 27, line 23 through page 31, line 22.

**Strike:** section 15 through section 21 in their entirety

**Insert:** "Section 6. Section 20-9-630, MCA, is amended to read:

**"20-9-630. School district block grants.** (1) (a) The office of public instruction shall provide a block grant to each school district based on the revenue received by each district in fiscal year 2001 from vehicle taxes and fees, corporate license taxes paid by financial institutions, aeronautics fees, state land payments in lieu of taxes, and property tax reimbursements pursuant to sections 167(1) through (5) and 169(6), Chapter 584, Laws of 1999.

(b) Block grants must be calculated using the electronic reporting system that is used by the office of public instruction and school districts. The electronic reporting system must be used to allocate the block grant amount into each district's budget as an anticipated revenue source by fund.

(c) With the exception of vehicle taxes and fees, the office of public instruction shall use the amount actually received from the sources listed in subsection (1)(a) in fiscal year 2001 in its calculation of the block grant for fiscal year 2002 budgeting purposes. For vehicle taxes and fees, the office of public instruction shall use 93.4% of the amount actually received in fiscal year 2001 in calculating the block grant for fiscal year 2002.

~~(2) If the fiscal year 2003 appropriation provided in section 248(1), Chapter 574, Laws of 2001, is insufficient to fund the school district block grants in fiscal year 2003 at the fiscal year 2002 level, the office of public instruction shall prorate the block grants to meet the remaining appropriation. School districts shall anticipate the prorated block grant amounts provided by the office of public instruction in their budgets for fiscal year 2003.~~

~~(3)(2)~~ Each year, 70% of each district's block grant must be distributed in November and 30% of each district's block grant must be distributed in May at the same time that guaranteed tax base aid is distributed.

(4) (a) The block grant for the district general fund is equal to the average amount received in fiscal years 2002 and 2003 by the district general fund from the block grants provided for in subsection (1). The block grant must be increased by 0.76% in fiscal year 2004 and in each succeeding fiscal year.

~~(b)(a)~~ The block grant for the district transportation fund is equal to ~~one-half of the average~~ the amount received in fiscal years 2002 and 2003 year 2007 by the district transportation fund from the block grants provided for in subsection (1). The block grant must be increased by 0.76% in fiscal year ~~2004~~ 2008 and in each succeeding fiscal year.

~~(c)(b)~~ (i) The combined fund block grant is equal to the ~~average~~ amount received in fiscal years ~~2002 and 2003~~ year 2007 by the district tuition, bus depreciation reserve, building reserve, nonoperating, and adult education funds from the block grants provided for in subsection (1). The block grant must be increased by 0.76% in fiscal year ~~2004~~ 2008 and in each succeeding fiscal year.

(ii) The school district may deposit the combined fund block grant into any budgeted fund of the district."

**Insert:** "NEW SECTION. Section 7. Effective date -- applicability. [This act] is effective July 1, 2007, and applies to school district budgets for school fiscal years beginning on or after July 1, 2007."

And, as amended, be concurred in. Report adopted.

**FINANCE AND CLAIMS** (Schmidt, Chairman):

4/13/2007

**SB 568**, introduced bill, be amended as follows:

1. Page 1, line 14.

**Strike:** "\$5"



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**Insert:** "\$2"

2. Page 1, line 17.

**Insert:** "(3) The amount of \$10 million is transferred from the school facility improvement account in the state special revenue fund provided for in [section 1 of House Bill No. 417] to the office of public instruction to be deposited in the school flexibility account in the state special revenue fund provided for in 20-9-542."

3. Page 1, line 18.

**Following:** "voidness."

**Insert:** "(1)"

4. Page 1, line 21.

**Insert:** "(2) If House Bill No. 809 is not passed and approved in a form that appropriates at least \$10 million to the office of public instruction from the school flexibility account in the state special revenue fund, then [section 1(3)] is void."

And, as amended, do pass. Report adopted.

**SJR 27**, be adopted. Report adopted.

**HB 6**, be amended as follows:

1. Title, line 9 through line 10.

**Strike:** "PROVIDING" on 9 through "ACCOUNT;" on line 10

2. Page 1, line 27.

**Strike:** "\$5.5"

**Insert:** "\$5"

3. Page 8, line 27 through line 29.

**Strike:** section 6 in its entirety

**Renumber:** subsequent sections

4. Page 10, line 7 through line 9.

**Following:** "116"

**Strike:** remainder of line 7 through "MILLION" on line 9

5. Page 10, line 11 through line 13.

**Strike:** section 12 in its entirety

**Renumber:** subsequent section

And, as amended, be concurred in. Report adopted.

**HB 7**, be amended as follows:

1. Page 6, line 25.

**Following:** "\$289,922"

**Insert:** "and [section 6 of this act] is void"

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And, as amended, be concurred in. Report adopted.

**HB 95**, be concurred in. Report adopted.

**HB 116**, be amended as follows:

1. Page 1, line 17.

**Following:** "19-5-404,"

**Insert:** "75-1-1101,"

**Strike:** "82-11-161,"

2. Page 3, line 19.

**Strike:** "1.97%"

**Insert:** "1.45%"

3. Page 3, line 21.

**Strike:** "1.96%"

**Insert:** "1.45%"

4. Page 3, line 23.

**Strike:** "1.96%"

**Insert:** "2.99%"

5. Page 3, line 28.

**Strike:** "2.43%"

**Insert:** "2.16%"

6. Page 3, line 30.

**Strike:** "2.30%"

**Insert:** "2.02%"

7. Page 4, line 2.

**Strike:** "2.40%"

**Insert:** "2.95%"

8. Page 8, line 8.

**Strike:** "AND"

9. Page 8, line 12.

**Strike:** "\$440,000"

**Insert:** "\$300,000"

10. Page 8, line 13.

**Strike:** " "

**Insert:** ";

11. Page 8.

**Following:** line 17

**Insert:** "(iii) \$500,000 to the department of fish, wildlife, and parks for the purposes of 87-1-283. The future fisheries review panel shall approve and fund qualified mineral reclamation projects before other types of qualified projects.

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(iv) \$175,000 to be deposited in the environmental contingency account established in 75-1-1101."

12. Page 8.

**Strike:** line 20 through line 21 in their entirety

**Renumber:** subsequent subsections

13. Page 10, line 5.

**Strike:** "and"

14. Page 10, line 8.

**Strike:** "\$440,000"

**Insert:** "\$300,000"

15. Page 10, line 9.

**Strike:** "."

**Insert:** ";

16. Page 10.

**Following:** line 9

**Insert:** "(iii) \$500,000 to the department of fish, wildlife, and parks for the purposes of 87-1-283. The future fisheries review panel shall approve and fund qualified mineral reclamation projects before other types of qualified projects.

(iv) \$175,000 to be deposited in the environmental contingency account established in 75-1-1101."

17. Page 10.

**Strike:** line 12 through line 13 in their entirety

**Renumber:** subsequent subsections

18. Page 13, line 21.

**Following:** "82-11-161;"

**Insert:** "82-11-161;"

19. Page 14.

**Following:** line 15

**Insert:** "Section 9. Section 75-1-1101, MCA, is amended to read:

**"75-1-1101. Environmental contingency account objectives.** (1) There is an environmental contingency account within the state special revenue fund established in 17-2-102. The environmental contingency account is controlled by the governor.

(2) At the beginning of each ~~biennium~~, fiscal year, \$175,000 must be allocated to the environmental contingency account from the interest income of the resource indemnity trust fund ~~with the following exceptions:~~

~~(a) if at the beginning of any biennium the unobligated cash balance in the environmental contingency account equals or exceeds \$750,000, allocation may not be made; and~~

~~(b) if at the beginning of any biennium the unobligated cash balance in the environmental contingency account is less than \$750,000, then an amount less than or equal to the difference between the unobligated cash balance and \$750,000, but not to exceed \$175,000, must be allocated to the environmental contingency account from the interest income of the resource indemnity trust fund.~~

(3) Funds are statutorily appropriated, as provided in 17-7-502, from the environmental contingency account upon the authorization of the governor to meet unanticipated public needs consistent with the following objectives:

(a) to support renewable resource development projects in communities that face an emergency or imminent

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need for the services or to prevent the physical failure of a project;

(b) to address imminent natural resource restoration and remediation needs that are anticipated to have significant adverse impacts to Montana's natural environment if not addressed in a timely manner;

~~(b)(c)~~ to preserve vegetation, water, soil, fish, wildlife, or other renewable resources from an imminent physical threat or during an emergency, not including:

(i) natural disasters adequately covered by other funding sources; or

(ii) fire suppression;

~~(c)(d)~~ to respond to an emergency or imminent threat to persons, property, or the environment caused by mineral development;

~~(d)(e)~~ to respond to an emergency or imminent threat to persons, property, or the environment caused by a hazardous material; and

~~(e)(f)~~ to fund the environmental quality protection fund provided for in 75-10-704 or to take other necessary actions, including the construction of facilities, to respond to actual or potential threats to persons, property, or the environment caused by hazardous wastes or other hazardous materials.

(4) Interest earned from funds in the environmental contingency account ~~accrues to the general fund~~ remains in the account.

(5) The governor shall submit, as a part of the information required by 17-7-111, a complete financial report on the environmental contingency account, including a description of all expenditures made since the preceding report."

**Renumber:** subsequent sections

20. Page 15, line 23 through line 24.

**Strike:** "Except" on line 23 through "unused" on line 24

**Insert:** "Unused"

21. Page 15, line 26 through page 16, line 5.

**Strike:** subsection (6) in its entirety

22. Page 16, line 11.

**Strike:** "Except as provided in subsection (9), the"

**Insert:** "The"

23. Page 18, line 16 through line 23.

**Strike:** subsection (9) in its entirety

24. Page 18, line 29.

**Strike:** "(9) through (11)"

**Insert:** "(9) and (10)"

25. Page 19, line 19.

**Strike:** "subsection (7)"

**Insert:** "subsections (6) and (7)"

26. Page 19, line 22.

**Strike:** "Reimbursement"

**Insert:** "Except as provided in subsection (6), reimbursement"

27. Page 20.

**Following:** line 6

**Insert:** "(iii) the department has approved the costs." A state agency that is liable for remedial action costs incurred

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has a claim against the orphan share fund and must be reimbursed as provided in subsection (3). The agency may submit a claim before or after remedial action is complete. Reimbursement may not be made for attorney fees, legal costs, or operation and maintenance costs. The agency may be reimbursed only after:

(i) its liability has been determined pursuant to 75-10-742 through 75-10-751 or by a court of competent jurisdiction;

(ii) it has received a notice letter pursuant to 75-10-711; and

(iii) the department has approved the costs.

(d) If the department determines that persons given notice pursuant to 75-10-711 do not have the financial resources to conduct necessary remedial actions at a facility, the department may use the orphan share fund to conduct the necessary remedial actions."

28. Page 20, lines 16 through 19

**Strike:** subsection (9) in its entirety

**Renumber:** subsequent subsections

29. Page 20, line 26.

**Strike:** "(10)(a)"

**Insert:** "(9)(a)"

30. Page 21, line 4.

**Strike:** "(10)(a)"

**Insert:** "(9)(a)"

31. Page 21, line 8.

**Strike:** "(10)(a)"

**Insert:** "(9)(a)"

32. Page 21, line 16.

**Strike:** "(10)(g)"

**Insert:** "(9)(g)"

33. Page 21, line 20.

**Strike:** "(10)(e)"

**Insert:** "(9)(e)"

34. Page 21, line 22.

**Strike:** "(10)"

**Insert:** "(9)"

35. Page 21, line 27.

**Strike:** "(10)(d)"

**Insert:** "(9)(d)"

36. Page 22, line 1.

**Strike:** "(11)(b)"

**Insert:** "(10)(b)"

37. Page 22, line 6.

**Strike:** "(11)(b)(i)"

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**Insert:** "(10)(b)(i)"

38. Page 22, line 9.

**Strike:** "(11)(b)(i)"

**Insert:** "(10)(b)(i)"

39. Page 22.

**Following:** line 12

**Insert:** "(11) For the biennium beginning July 1, 2007, the department shall transfer from the orphan share fund:

(a) \$600,000 to the hazardous waste/CERCLA account provided for in 75-10-621 to provide for a positive account balance;

(b) \$50,000 to the oil and gas production damage mitigation account pursuant to the conditions of 82-11-161 to provide for a positive account balance;

(c) \$2 million to the environmental quality protection fund established in 75-10-704 to be used by the department to expedite the cleanup of the burlington northern Santa Fe Livingston site;

(d) \$200,000 to the natural resources operations state special revenue account established in [section 27] to provide for a positive account balance; and

(e) \$800,000 to the natural resources projects state special revenue account established in [section 28] to provide for a positive account balance.

40. Page 22, line 22 through page 23, line 16.

**Strike:** section 13 in its entirety

**Renumber:** subsequent sections

41. Page 36.

**Following:** line 22

**Insert:** "NEW SECTION. Section 29. Transfer of funds. (1) The department of administration shall transfer \$1 million in fiscal year 2008 and \$1 million in fiscal year 2009 from the general fund to the environmental contingency account provided for in 75-1-1101.

(2) At the beginning of fiscal year 2008, the department of natural resources and conservation shall transfer the ending fund balance in the renewable resource grant and loan program state special revenue account established in 85-1-604 and the reclamation and development grants state special revenue account established in 90-2-1104 to the natural resources operations state special revenue account created in [section 27]."

And, as amended, be concurred in. Report adopted.

**HB 160**, be amended as follows:

1. Page 1, line 12.

**Strike:** "\$822,774.07"

**Insert:** "\$446,987"

2. Page 1, line 13.

**Following:** "money"

**Strike:** "plus interest"

3. Page 1, line 19.

**Following:** "money"

**Strike:** "plus interest"

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4. Page 1, line 22.

**Strike:** "\$5.94"

**Insert:** "\$5.40"

5. Page 1, line 23.

**Strike:** "\$14,500.19"

**Insert:** "\$14,242.87"

6. Page 1, line 24.

**Strike:** "\$761.97"

**Insert:** "\$737.95"

7. Page 1, line 25.

**Strike:** "\$6,060.68"

**Insert:** "\$5,881.98"

8. Page 1.

**Following:** line 25

**Insert:** "(3) The following money is transferred from the general fund to the identified fund for the purpose of repaying the beneficiary the amount of distributable money plus interest that was inappropriately diverted to pay for administrative costs on the Morrill Act trust lands:"

**Renumber:** subsequent subsections

9. Page 1, line 26.

**Following:** "Blind"

**Insert:** "State Special Revenue Fund"

**Strike:** "\$10.40"

**Insert:** "\$9.26"

10. Page 1, line 27.

**Following:** "School)"

**Insert:** "State Special Revenue Fund"

**Strike:** "\$19.24"

**Insert:** "\$17.06"

11. Page 1, line 28.

**Strike:** "COMMON SCHOOLS"

**Following:** "ACCOUNT"

**Insert:** "State Special Revenue Fund"

12. Page 1, line 29.

**Strike:** "CAPITOL BUILDINGS"

**Insert:** "Capital Land Grant Projects Fund (Capitol Buildings)"

**Strike:** "\$29,149.38"

**Insert:** "\$25,848.25"

13. Page 2, line 8.

**Strike:** "APPROPRIATED"

**Insert:** "transferred"

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**Strike:** "COMMON SCHOOLS"

14. Page 2, line 9.

**Following:** "ACCOUNT"

**Insert:** "state special revenue fund"

**Strike:** "COMMON SCHOOLS"

**Insert:** "guarantee account"

And, as amended, be concurred in. Report adopted.

**HB 480**, be amended as follows:

1. Page 1, line 15.

**Strike:** "following"

**Following:** "amounts"

**Insert:** "of \$25,000 in fiscal year 2008 and \$25,000 in fiscal year 2009"

2. Page 1, line 16.

**Strike:** ":",

**Insert:** "to be used for direct maintenance and restoration of the Daly mansion and grounds."

3. Page 1, lines 17 through 20.

**Strike:** line 17 through line 20

And, as amended, be concurred in. Report adopted.

**HB 574**, be concurred in. Report adopted.

**HB 829**, be amended as follows:

1. Title, line 10.

**Strike:** "AN IMMEDIATE"

**Strike:** "DATE"

**Insert:** "DATES"

2. Page 2.

**Following:** line 16

**Insert:** "(3) The department may expend up to \$500,000 of the account to conduct preliminary feasibility studies and an associated environmental review for water compact purposes on the Blackfeet Indian Reservation."

**Renumber:** subsequent subsections

3. Page 2, line 17.

**Strike:** "\$10"

**Insert:** "\$2.5"

4. Page 2, line 19.

**Strike:** "Funds"

**Insert:** "Except as provided in subsection (3), funds"

5. Page 3, line 10.

**Strike:** "\$12"



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**Insert:** "\$15"

6. Page 3, line 13.

**Following:** "Appropriation."

**Insert:** "(1) There is appropriated \$500,000 from the Blackfeet Tribe water rights compact mitigation account to the department of natural resources and conservation for the biennium ending June 30, 2009. The appropriation may be used solely for the purposes described in [section 2(3)].  
(2)"

**Strike:** "\$12"

**Insert:** "\$14.5"

7. Page 3, line 14 through line 16.

**Strike:** "for the" on line 14 through "APPROPRIATION" on line 16

8. Page 3, line 25.

**Strike:** "date"

**Insert:** "dates -- contingency"

**Following:** "date."

**Insert:** "(1)"

**Strike:** "[This"

**Insert:** "Except as provided in subsection (2), [this"

9. Page 3.

**Following:** line 25

**Insert:** "(2) [Section 6(2)] is effective when a water rights compact among the Blackfeet Tribe, the state, and the United States has been finally ratified by the legislature, the congress of the United States, and the Blackfeet Tribe."

And, as amended, be concurred in. Report adopted.

**HIGHWAYS AND TRANSPORTATION** (Pease, Chairman):

4/13/2007

**HB 840**, be amended as follows:

1. Title, line 5.

**Strike:** "OVER" through "WEIGHT"

2. Title, line 6.

**Following:** "USING"

**Insert:** "CERTAIN"

**Strike:** "AND"

3. Title, line 7.

**Following:** "MCA"

**Insert:** "; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE"

4. Page 2, line 9.

**Strike:** "passenger"

**Insert:** "trailers and"

**Strike:** "trucks" through "weight"

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**Insert:** "other than motorcycles and quadricycles"

5. Page 4, line 23 through line 24.

**Strike:** "a" on line 23 through "weight," on line 24

**Following:** "motorcycle" on line 24

**Strike:** ", "

6. Page 5, line 7 through line 8.

**Strike:** "a" on line 7 through "weight," on line 8

**Following:** "motorcycle" on line 8

**Strike:** ", "

7. Page 5, line 16.

**Following:** "61-3-412,"

**Insert:** "if applicable, the administrative fee and the annual one-time only donation fee for a generic specialty license plate under 61-3-480,"

8. Page 5, line 20.

**Following:** "~~not~~"

**Insert:** "not"

9. Page 5, line 24.

**Following:** "61-3-422,"

**Insert:** "and"

10. Page 5, line 25.

**Strike:** "; and"

**Insert:** "."

11. Page 5.

**Strike:** line 26

12. Page 6.

**Following:** line 10

**Insert:** "NEW SECTION. Section 5. Effective date. [This act] is effective January 1, 2008."

**Insert:** "NEW SECTION. Section 6. Applicability. [This act] applies to motor vehicles and trailers registered, and license plates that are issued or renewed, on or after [the effective date of this act]."

And, as amended, be concurred in. Report adopted.

**NATURAL RESOURCES AND ENERGY** (Lind, Chairman):

4/13/2007

**HB 27**, be concurred in. Report adopted.

**HB 39**, be amended as follows:

1. Title, line 12.

**Strike:** "DECREASING"

**Insert:** "INCREASING"

2. Page 4, line 16.

**Strike:** "OF \$5"

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3. Page 4, line 26.

**Strike:** "\$7.50"

**Insert:** "\$75"

And, as amended, be concurred in. Report adopted.

**HB 330**, be amended as follows:

1. Title, line 12.

**Following:** "OPERATE"

**Insert:** "SOME"

**Following:** "POWERLINES;"

**Insert:** "INCREASING THE AMOUNT OF BONDS ALLOWED UNDER THE MUNICIPAL FINANCE CONSOLIDATION ACT;"

2. Title, line 14.

**Following:** "APPROPRIATION;"

**Insert:** "AMENDING SECTIONS 17-5-1604 AND 17-5-1608, MCA;"

3. Page 2, line 8.

**Following:** "bodies"

**Insert:** "and Indian tribal governments"

4. Page 2, line 9.

**Following:** "bodies"

**Insert:** "and Indian tribal governments"

5. Page 2.

**Following:** line 23

**Insert:** "(4) "Commission" means the public service commission provided for in 69-1-102."

**Renumber:** subsequent subsections

6. Page 2, line 26.

**Following:** "city-county,"

**Insert:** "Indian tribal government,"

7. Page 3, line 19 through line 20.

**Strike:** "UNDER" on line 19 through "6" on line 20

8. Page 3.

**Following:** line 20

**Insert:** "(c) through June 30, 2009, a public utility under a qualifying contract governed by Title 69, chapter 3, part 6, if:

(i) the commission determines that adequate ancillary services are available for increases in the amount of intermittent generation resources connected to the transmission grid;

(ii) the cost of any ancillary services provided to the generator by the public utility can be adjusted to reflect actual costs, the costs are deductible by the public utility from the price of electricity paid to the generator, and adjustments may be made as frequently as every 12 months; and

(iii) the public utility can refuse acceptance of electricity from the generator when the loss of ancillary services threatens system reliability or the public utility is unable to purchase sufficient ancillary services to meet

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its obligations, subject to 90 days' written notice to the generator;"

**Renumber:** subsequent subsections

9. Page 3, line 22.

**Strike:** "CONSUMER"

**Insert:** "purchaser"

10. Page 9, line 15 through line 16.

**Following:** "PROJECT" on line 15

**Strike:** "FINANCING"

**Insert:** "construction"

**Strike:** "SELLING BONDS" on line 15 through "FINANCING" on line 16

**Insert:** "starting construction"

11. Page 9, line 20.

**Following:** "SERVICES"

**Insert:** "as required by the control area operator"

12. Page 9, line 21.

**Strike:** "AS REQUIRED" through "OPERATOR; AND"

**Insert:** ";"

13. Page 9, line 22.

**Following:** "PROJECT"

**Insert:** " ; and

(4) with a tribal government for projects being constructed within the exterior boundaries of that tribal government's Indian reservation"

14. Page 9, line 25.

**Following:** "POWERLINES."

**Insert:** "(1)"

15. Page 9, line 26.

**Strike:** "(1)"

**Insert:** "(a)"

16. Page 9, line 27.

**Strike:** "(2)"

**Insert:** "(b)"

17. Page 9.

**Following:** line 28

**Insert:** "(2) Subsections (1)(a) and (1)(b) do not apply to electrical lines connecting component parts within the perimeter of an electric generation facility or to a dedicated tie line between an electric generation facility and the transmission grid or the point of use by the governmental body."

18. Page 10.

**Following:** line 25

**Insert:** "**Section 20.** Section 17-5-1604, MCA, is amended to read:

**"17-5-1604. Definitions.** As used in this part, the following definitions apply:

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(1) "Board" means the board of investments created in 2-15-1808.

(2) "Department" means the department of commerce created in 2-15-1801.

(3) "Eligible government unit" means:

(a) any municipal corporation or political subdivision of the state, including without limitation any city, town, county, school district, authority as defined in 75-6-304, or other special taxing district or assessment or service district authorized by law to borrow money; ~~or~~

(b) the state, any board, agency, or department of the state, or the board of regents of the Montana university system when authorized by law to borrow money; or

(c) for the purposes of [sections 1 through 19] only, an Indian tribal government.

(4) "Reserve fund" means the municipal finance consolidation act reserve fund created in 17-5-1630.""

**Insert:** "Section 21. Section 17-5-1608, MCA, is amended to read:

**"17-5-1608. Limitations on amounts.** The board may not issue any bonds or notes that cause the total outstanding indebtedness of the board under this part, except for bonds or notes issued to fund or refund other outstanding bonds or notes or to purchase registered warrants or tax or revenue anticipation notes of a local government as defined in 7-6-1101, to exceed ~~\$120~~ \$190 million.""

**Renumber:** subsequent sections

19. Page 11, line 11.

**Strike:** "20"

**Insert:** "22"

And, as amended, be concurred in. Report adopted.

**TAXATION** (Elliott, Chairman):

4/13/2007

**HB 463**, be amended as follows:

1. Title, lines 11 and 12.

**Following:** "15-6-135," on line 11

**Insert:** "15-10-420,"

**Following:** "15-24-1401,"

**Insert:** "AND"

**Strike:** "AND" on line 11 through "90-6-205," on line 12

**Strike:** "15-16-201," on line 12

2. Page 1, line 29.

**Strike:** "by employing at least 10"

**Insert:** "that results in hiring"

3. Page 3, line 5.

**Strike:** "and"

**Insert:** "or"

4. Page 3, line 16.

**Strike:** "PREAPPLICATION CONSULTATION -- APPLICATION"

**Insert:** "Application"

5. Page 3, line 17 through line 23.

**Strike:** "BEFORE" on line 17 through "IN" on line 23

**Insert:** "In"

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**Renumber:** subsequent subsections

6. Page 4, line 11.

**Strike:** "(4)"

**Insert:** "(3)"

7. Page 4, line 14 through line 16.

**Strike:** subsection (a) in its entirety

8. Page 4, line 17.

**Strike:** "(b)"

9. Page 5, line 11.

**Strike:** "taxed"

**Insert:** "assessed"

10. Page 6, lines 6 through 8.

**Strike:** "department" on line 6

**Insert:** "local governing body"

**Strike:** "The" on line 6 through "The" on line 7

**Insert:** "If the"

**Strike:** "must" on line 7 through "be" on line 8

**Insert:** "is"

**Strike:** "and" on line 8

11. Page 6, lines 10 and 11.

**Strike:** "and the department" on line 10 through "abatement" on line 11

12. Page 6, line 12 through line 14.

**Strike:** "THE" on line 12 through "(2)." on line 14

13. Page 11, line 11.

**Insert:** "**Section 10.** Section 15-10-420, MCA, is amended to read:

**"15-10-420. Procedure for calculating levy.** (1) (a) Subject to the provisions of this section, a governmental entity that is authorized to impose mills may impose a mill levy sufficient to generate the amount of property taxes ~~actually~~ authorized to be assessed in the prior year plus one-half of the average rate of inflation for the prior 3 years. The maximum number of mills that a governmental entity may impose is established by calculating the number of mills required to generate the amount of property tax ~~actually~~ authorized to be assessed in the governmental unit in the prior year based on the current year taxable value, less the current year's value of newly taxable property, plus one-half of the average rate of inflation for the prior 3 years.

(b) A governmental entity that does not impose the maximum number of mills authorized under subsection (1)(a) may carry forward the authority to impose the number of mills equal to the difference between the actual number of mills imposed and the maximum number of mills authorized to be imposed. The mill authority carried forward may be imposed in a subsequent tax year.

(c) For the purposes of subsection (1)(a), the department shall calculate one-half of the average rate of inflation for the prior 3 years by using the consumer price index, U.S. city average, all urban consumers, using the 1982-84 base of 100, as published by the bureau of labor statistics of the United States department of labor.

(2) A governmental entity may apply the levy calculated pursuant to subsection (1)(a) plus any additional levies authorized by the voters, as provided in 15-10-425, to all property in the governmental unit, including newly taxable property.

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(3) (a) For purposes of this section, newly taxable property includes:

- (i) annexation of real property and improvements into a taxing unit;
- (ii) construction, expansion, or remodeling of improvements;
- (iii) transfer of property into a taxing unit;
- (iv) subdivision of real property; ~~and~~
- (v) transfer of property from tax-exempt to taxable status; and
- (vi) increases in taxable value pursuant to [sections 1 through 6].

(b) Newly taxable property does not include an increase in value that arises because of an increase in the incremental value within a tax increment financing district.

(4) (a) For the purposes of subsection (1), the taxable value of newly taxable property includes the release of taxable value from the incremental taxable value of a tax increment financing district because of:

- (i) a change in the boundary of a tax increment financing district;
- (ii) an increase in the base value of the tax increment financing district pursuant to 7-15-4287; or
- (iii) the termination of a tax increment financing district.

(b) If a tax increment financing district terminates prior to the certification of taxable values as required in 15-10-202, the increment value is reported as newly taxable property in the year in which the tax increment financing district terminates. If a tax increment financing district terminates after the certification of taxable values as required in 15-10-202, the increment value is reported as newly taxable property in the following tax year.

(c) For the purpose of subsection (3)(a)(iv), the subdivision of real property includes the first sale of real property that results in the property being taxable as class four property or as nonqualified agricultural land as described in 15-6-133(1)(c).

(5) Subject to subsection (8), subsection (1)(a) does not apply to:

- (a) school district levies established in Title 20; or
- (b) the portion of a governmental entity's property tax levy for premium contributions for group benefits excluded under 2-9-212 or 2-18-703.

(6) For purposes of subsection (1)(a), taxes imposed do not include net or gross proceeds taxes received under 15-6-131 and 15-6-132.

(7) In determining the maximum number of mills in subsection (1)(a), the governmental entity may increase the number of mills to account for a decrease in reimbursements.

(8) The department shall calculate, on a statewide basis, the number of mills to be imposed for purposes of 15-10-107, 20-9-331, 20-9-333, 20-9-360, 20-25-423, and 20-25-439. However, the number of mills calculated by the department may not exceed the mill levy limits established in those sections. The mill calculation must be established in whole mills. If the mill levy calculation does not result in a whole number of mills, then the calculation must be rounded up to the nearest whole mill.

(9) (a) The provisions of subsection (1) do not prevent or restrict:

- (i) a judgment levy under 2-9-316, 7-6-4015, or 7-7-2202;
- (ii) a levy to repay taxes paid under protest as provided in 15-1-402; or
- (iii) an emergency levy authorized under 10-3-405, 20-9-168, or 20-15-326.

(b) A levy authorized under subsection (9)(a) may not be included in the amount of property taxes actually assessed in a subsequent year.

(10) A governmental entity may levy mills for the support of airports as authorized in 67-10-402, 67-11-301, or 67-11-302 even though the governmental entity has not imposed a levy for the airport or the airport authority in either of the previous 2 years and the airport or airport authority has not been appropriated operating funds by a county or municipality during that time.

(11) The department may adopt rules to implement this section. The rules may include a method for calculating the percentage of change in valuation for purposes of determining the elimination of property, new improvements, or newly taxable property in a governmental unit."

**Renumber:** subsequent sections

14. Page 12, line 24 through page 13, line 11.

**Strike:** section 12 in its entirety

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**Renumber:** subsequent sections

15. Page 13, line 13.

**Strike:** "15-16-201,"

16. Page 13, line 20 through line 21.

**Strike:** section 15 in its entirety

**Renumber:** subsequent sections

And, as amended, be concurred in. Report adopted.

**HB 488**, be amended as follows:

1. Page 2, line 22.

**Strike:** "\$25,000"

**Insert:** "\$50,000"

And, as amended, be concurred in. Report adopted.

**HB 823**, be amended as follows:

1. Page 4, line 3.

**Insert:** "NEW SECTION. **Section 3. Contingent voidness.** Unless a reduction in an item of appropriation contained in House Bill No. 820 is specifically identified as implementing [this act], [this act] is void."

**Renumber:** subsequent sections

And, as amended, be concurred in. Report adopted.

**MESSAGES FROM THE OTHER HOUSE**

**Senate amendments to House bill** concurred in: 4/12/2007

**HB 136**, introduced by Milburn

**Senate amendments to House bill** concurred in: 4/12/2007

**HB 269**, introduced by Rice

**Senate amendments to House bill** concurred in: 4/12/2007

**HB 299**, introduced by Milburn

**Senate amendments to House bill** concurred in: 4/12/2007

**HB 369**, introduced by Pomnichowski

**Senate amendments to House bill** concurred in: 4/12/2007

**HB 425**, introduced by Sesso



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<b>Senate amendments to House bill</b> concurred in:	4/12/2007
<b>HB 514</b> , introduced by Caferro	
<b>Senate amendments to House bill</b> concurred in:	4/12/2007
<b>HB 526</b> , introduced by Groesbeck	
<b>Senate amendments to House bill</b> concurred in:	4/12/2007
<b>HB 609</b> , introduced by Hamilton	
<b>Senate amendments to House bill</b> concurred in:	4/12/2007
<b>HB 683</b> , introduced by Reinhart	
<b>Senate amendments to House bill</b> concurred in:	4/12/2007
<b>HB 706</b> , introduced by Caferro	
<b>Senate amendments to House bill</b> concurred in:	4/12/2007
<b>HB 727</b> , introduced by Lange	
<b>Senate amendments to House bill</b> concurred in:	4/12/2007
<b>HB 737</b> , introduced by Hilbert	
<b>Senate amendments to House bill</b> concurred in:	4/12/2007
<b>HB 738</b> , introduced by Mendenhall	
<b>Senate amendments to House bill</b> concurred in:	4/12/2007
<b>HB 755</b> , introduced by Keane	
<b>Senate amendments to House bill</b> concurred in:	4/12/2007
<b>HB 759</b> , introduced by Hendrick	
<b>Senate amendments to House bill</b> concurred in:	4/12/2007
<b>HB 764</b> , introduced by Milburn	
<b>Senate amendments to House bill</b> concurred in:	4/12/2007
<b>HB 765</b> , introduced by Olson	
<b>Senate amendments to House bill</b> concurred in:	4/12/2007

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**HB 781**, introduced by Windy Boy

**Senate amendments to House joint resolution** concurred in: 4/12/2007

**HJR 16**, introduced by Ripley

**Senate amendments to House joint resolution** concurred in: 4/12/2007

**HJR 39**, introduced by Erickson

**Senate amendments to House joint resolution** concurred in: 4/12/2007

**HJR 41**, introduced by Furey

**Senate amendments to Senate joint resolution** concurred in: 4/12/2007

**SJR 15**, introduced by Gillan

**Governor's amendments to House bill** concurred in and transmitted to the Senate for concurrence in the Governor's amendments:

4/12/2007

**HB 357**, introduced by Cohenour

**HB 25** - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **HB 25**:

4/12/2007

Representative Olson, Chair

Representative Wilson

Representative Lange

**Senate amendments to House bill** concurred in: 4/13/2007

**HB 139**, introduced by Branae

**Senate amendments to House bill** concurred in: 4/13/2007

**HB 362**, introduced by Olson

**Senate amendments to House bill** concurred in: 4/13/2007

**HB 439**, introduced by Koopman

**Senate amendments to House bill** concurred in: 4/13/2007

**HB 522**, introduced by Sinrud

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments:

4/13/2007

**SB 192**, introduced by Essmann

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<b>Senate bill</b> concurred in and returned to the Senate:	4/13/2007
<b>SB 157</b> , introduced by Ryan	
<b>Senate bill</b> concurred in and returned to the Senate:	4/13/2007
<b>SB 185</b> , introduced by Hawks	
<b>Senate bill</b> concurred in and returned to the Senate:	4/13/2007
<b>SB 243</b> , introduced by Balyeat	
<b>Senate bill</b> concurred in and returned to the Senate:	4/13/2007
<b>SB 261</b> , introduced by Lewis	
<b>Senate bill</b> concurred in and returned to the Senate:	4/13/2007
<b>SB 287</b> , introduced by Weinberg	
<b>Senate bill</b> concurred in and returned to the Senate:	4/13/2007
<b>SB 296</b> , introduced by Weinberg	
<b>Senate bill</b> concurred in and returned to the Senate:	4/13/2007
<b>SB 314</b> , introduced by Steinbeisser	
<b>Senate bill</b> concurred in and returned to the Senate:	4/13/2007
<b>SB 321</b> , introduced by Brueggeman	
<b>Senate bill</b> concurred in and returned to the Senate:	4/13/2007
<b>SB 350</b> , introduced by Perry	
<b>Senate bill</b> concurred in and returned to the Senate:	4/13/2007
<b>SB 372</b> , introduced by Balyeat	

**MOTIONS**

**SEN. DANIEL MCGEE, SD 29, LAUREL** moved **HB 96** be taken from the Finance and Claims Committee and bring it to second reading on the 79th Legislative day. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gallus, Gebhardt, Gillan, Harrington, Hawks, Jackson, Jent, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash,

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J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 44

Nays: Hansen, Juneau, Kaufmann, Squires.  
Total 4

Absent or not voting: Cocchiarella.  
Total 1

Excused: Elliott.  
Total 1

**SEN. KELLY GEBHARDT, SD 23, ROUNDUP** moved to take **HB 835** off the table and bring it to second reading on the 79th Legislative day. Motion **failed** as follows:

Yeas: Balyeat, Barkus, Black, Brown, Cobb, Curtiss, Esp, Essmann, Gallus, Gebhardt, Harrington, Jackson, Kitzenberg, Laible, Laslovich, McGee, Murphy, O'Neil, Perry, Peterson, Stapleton, Steinbeisser, Story, Tash.  
Total 24

Nays: Bales, Brueggeman, Gillan, Hansen, Hawks, Jent, Juneau, Kaufmann, Larson, Lewis, Lind, Moss, Pease, Ryan, Schmidt, Shockley, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 24

Absent or not voting: None.  
Total 0

Excused: Cocchiarella, Elliott.  
Total 2

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** moved the appointment of Conference Committees for the following Senate bills:

**SB 49**, President appoints Senator Jent, Chair, Senators Pease, Esp.

**SB 74**, President appoints Senator Jent, Chair, Senators Moss, McGee.

**SB 96**, President appoints Senator Williams, Chair, Senators Laslovich, Laible.

**SB 121**, President appoints Senator Elliott, Chair, Senators Gillan, Gebhardt.

**SB 147**, President appoints Senator Juneau, Chair, Senators Hawks, Shockley.

**SB 227**, President appoints Senator Laslovich, Chair, Senators Jent, Shockley.

**SB 404**, President appoints Senator Lind, Chair, Senators Jent, Shockley.

**SB 497**, President appoints Senator Moss, Chair, Senators Juneau, Curtiss.

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**SB 547**, President appoints Senator Laslovich, Chair, Senators Moss, Perry.

**SB 12**, President appoints Senator Williams, Chair, Senators Larson, Laible. Motions carried.

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** moved the appointment of a Free Conference Committee for the following Senate bill:

**SB 365**, President appoints Senator Story, Chair, Senators Hansen, M. Tropila. Motion carried.

**FIRST READING AND COMMITMENT OF BILLS**

The following House bill was introduced, read first time, and referred to committee:

**HB 833**, introduced by Stahl, referred to Taxation.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Laslovich in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 820** - Senator Esp moved **HB 820**, second reading copy, be amended as follows:

1. Page A-1.

**Following:** line 8

**Insert:** "c. Southern Amtrak Route (Restricted)

3,200,000 3,200,000" [general fund FY08 and FY09]

2. Page A-2.

**Following:** line 19

**Insert:** "Southern Amtrak Route funding is restricted to operational and capital expenses of the southern amtrak route. Up to \$300,000 each year of the funding may be used for rail service from the southern route to Butte and Anaconda."

Amendment **not** adopted as follows:

Yeas: Bales, Barkus, Brueggeman, Cobb, Cocchiarella, Esp, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, Perry, Peterson, Steinbeisser, Story, Tash.

Total 17

Nays: Balyeat, Black, Brown, Curtiss, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, O'Neil, Pease, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 32

Absent or not voting: None.

Total 0

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Excused: Elliott.  
Total 1

**HB 820** - Senator Laible moved **HB 820**, second reading copy, be amended as follows:

1. Page A-5, line 13.

**Strike:** "5,000 0" [general fund FY08 and FY09]

**Insert:** "2,500 2,500" [general fund FY08 and FY09]

2. Page A-6, line 15.

**Strike:** line 15 in its entirety

**Insert:** "If the report is not received by June 30, 2008, \$2,500 of general fund money in fiscal year 2009 for Agency's Goals and Objectives Reporting is void."

3. Page A-8, line 11.

**Strike:** "fiscal year 2008"

**Insert:** "fiscal year 2009"

4. Page A-9, line 5.

**Strike:** "5,000 0" [general fund FY08 and FY09]

**Insert:** "2,500 2,500" [general fund FY08 and FY09]

5. Page A-10, line 21.

**Strike:** line 21 in its entirety

**Insert:** "If the report is not received by June 30, 2008, \$2,500 of general fund money in fiscal year 2009 for Agency's Goals and Objectives Reporting is void."

6. Page A-11, line 3.

**Strike:** "5,000 0" [general fund FY08 and FY09]

**Insert:** "2,500 2,500" [general fund FY08 and FY09]

7. Page A-11, line 11.

**Strike:** line 11 in its entirety

**Insert:** "If the report is not received by June 30, 2008, \$2,500 of general fund money in fiscal year 2009 for Agency's Goals and Objectives Reporting is void."

Amendment adopted unanimously.

**HB 820** - Senator Moss moved **HB 820**, second reading copy, be amended as follows:

1. Page A-6.

**Following:** line 6

**Insert:** "b. Southern Rail Passenger Route Study (Biennial/OTO) 100,000"  
[state special revenue FY08]

Amendment **not** adopted as follows:

Yeas: Cobb, Cocchiarella, Gallus, Gillan, Harrington, Hawks, Juneau, Kaufmann, Larson, Lind, Moss, Murphy, Smith, Squires, Wanzonried, Weinberg, Williams.

Total 17

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Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Elliott, Esp, Essmann, Gebhardt, Hansen, Jackson, Jent, Kitzenberg, Laible, Laslovich, Lewis, McGee, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Mr. President.  
Total 33

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 820** - Senator Kitzenberg moved **HB 820**, second reading copy, be amended as follows:

1. Page C-1.

**Following:** line 6

**Insert:** "a. Culbertson Overlook State Park (Restricted/Biennial/OTO) 511,000 [state special revenue FY08]

2. Page C-2.

**Following:** line 20

**Insert:** "Culbertson Overlook State Park is restricted to up to \$500,000 for land purchase costs and \$11,000 for development and maintenance costs."

Amendment **not** adopted as follows:

Yeas: Cobb, Cocchiarella, Elliott, Gillan, Harrington, Juneau, Kaufmann, Kitzenberg, Lind, Moss, Pease, Ryan, Smith, Steinbeisser, J.Tropila, M.Tropila, Wanzenried, Williams.  
Total 18

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gallus, Gebhardt, Hansen, Hawks, Jackson, Jent, Laible, Larson, Laslovich, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Schmidt, Shockley, Squires, Stapleton, Story, Tash, Weinberg, Mr. President.  
Total 32

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 820** - Senator Black moved **HB 820**, second reading copy, be amended as follows:

1. Page C-2, line 7.

Strike: "200,000 200,000" [state special revenue FY08 and FY09]

Insert: "125,000 125,000" [state special revenue FY08 and FY09]

Amendment adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Jackson, Kitzenberg, Laible, Laslovich, Lewis, Lind, McGee, Murphy, O'Neil, Perry, Peterson, Ryan, Shockley, Stapleton, Steinbeisser, Story, Tash, Wanzenried, Weinberg, Williams, Mr. President.  
Total 35

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Nays: Cocchiarella, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Larson, Moss, Pease, Schmidt, Smith, Squires, J.Tropila, M.Tropila.

Total 15

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 820** - Senator Wanzenried moved **HB 820**, second reading copy, be amended as follows:

1. Page A-7 line 17.

**Strike:** "8,876,566 9,375,103" [general fund FY08 and FY09]

**Insert:** "8,826,566 9,325,103" [general fund FY08 and FY09]

2. Page A-7, line 23.

**Strike:** "17,755,253 18,230,623" [general fund FY08 and FY09]

**Insert:** "17,705,253 18,180,623" [general fund FY08 and FY09]

3. Page E-9, line 10.

**Strike:** "1,084,821 1,091,328" [general fund FY08 and FY09]

**Insert:** "1,184,821 1,191,328" [general fund FY08 and FY09]

Amendment adopted unanimously.

**HB 820** - Senator Lind moved **HB 820**, second reading copy, be amended as follows:

1. Page C-3.

**Following:** line 10

**Insert:** "b. Energy Planning 160,638 165,922" [general fund FY08 and FY09]

2. Page C-10, line 18.

**Strike:** "486,153 486,154" [general fund FY08 and FY09]

**Insert:** "325,515 320,232" [general fund FY08 and FY09]

Amendment **not** adopted as follows:

Yeas: Cobb, Elliott, Hansen, Harrington, Hawks, Jent, Kaufmann, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Squires, Weinberg, Williams, Mr. President.

Total 18

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Gillan, Jackson, Juneau, Kitzenberg, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Smith, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried.

Total 30

Absent or not voting: None.

Total 0



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Excused: Gallus, Shockley.  
Total 2

**HB 820** - Senator Cocchiarella moved **HB 820**, second reading copy, be amended as follows:

1. Page A-1, line 6.  
**Strike:** "300,000 300,000" [general fund FY08 and FY09]  
**Insert:** "500,000 500,000" [general fund FY08 and FY09]

Amendment **not** adopted as follows:

Yeas: Black, Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Kaufmann, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, Weinberg, Williams.  
Total 25

Nays: Bales, Balyeat, Barkus, Brown, Curtiss, Esp, Essmann, Jackson, Juneau, Kitzenberg, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash, M.Tropila, Wanzenried, Mr. President.  
Total 25

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 820** - Senator Schmidt moved **HB 820**, as amended, be concurred in. Motion carried as follows:

Yeas: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 30

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, McGee, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 20

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

Senator Williams moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Laslovich moved the Committee of the Whole report be adopted. Report adopted unanimously.

Senate recessed at 12:32 p.m. and reconvened at 1:15 p.m.

Roll Call. Quorum present.

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Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Curtiss, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Stapleton, Story, Tash, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 34

Nays: Balyeat, Essmann, Gebhardt, Lind, McGee, O'Neil, Shockley.

Total 7

Absent or not voting: None.

Total 0

Excused: Brown, Cocchiarella, Esp, Jackson, Larson, Smith, Squires, Steinbeisser, J.Tropila.

Total 9

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Laslovich in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 547 - House Amendments** - Do Not Concur In - Motion adopted unanimously.

**SB 227 - House Amendments** - Do Not Concur In - Motion adopted unanimously.

**SB 96 - House Amendments** - Do Not Concur In - Motion adopted unanimously.

**SB 404 - House Amendments** - Do Not Concur in - Motion carried unanimously.

**SB 147 - House Amendments** - Do Not Concur In - Motion adopted unanimously.

**SB 49 - House Amendments** - Do Not Concur In - Motion adopted unanimously.

**SB 497 - House Amendments** - Do Not Concur In - Motion adopted unanimously.

**SB 74 - House Amendments** - Do Not Concur In - Motion adopted unanimously.

**SB 121 - House Amendments** - Do Not Concur In - Motion adopted unanimously.

**SB 365 - House Amendments** - Do Not Concur In - Motion adopted unanimously.

**HB 809** - Senator Hawks moved **HB 809**, second reading copy, be amended as follows:

1. Page A-3, line 3.

**Strike:** "All"

**Insert:** "Except for the amount appropriated for administration from the traffic education account in OPI Administration, all remaining"

Amendment adopted with Senator Balyeat, Gebhardt, Esp, Shockley, O'Neil voting nay.

**HB 809** - Senator Hawks moved **HB 809**, second reading copy, be amended as follows:

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1. Page A-1, line 21.

**Strike:** "503,114,737 513,450,519" [general fund FY08 and FY09]

**Insert:** "504,458,688 514,972,111" [general fund FY08 and FY09]

Amendment adopted as follows:

Yeas: Cobb, Cocchiarella, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Laible, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 26

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Steinbeisser, Story, Tash.

Total 20

Absent or not voting: None.

Total 0

Excused: Elliott, Jackson, Kitzenberg, Stapleton.

Total 4

**HB 809** - Senator McGee moved **HB 809**, second reading copy, be amended as follows:

1. Page A-1, line 21.

**Strike:** "503,114,737 513,450,519" [general fund FY08 and FY09]

**Insert:** "499,114,737 509,450,519" [general fund FY08 and FY09]

2. Page A-1, line 23.

**Strike:** "40,434,302 41,647,331" [general fund FY08 and FY09]

**Insert:** "45,434,302 46,647,331" [general fund FY08 and FY09]

Amendment **not** adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 25

Nays: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 25

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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**HB 809** - Senator Ryan moved **HB 809**, second reading copy, be amended as follows:

1. Page A-2, following line 24.

**Insert:** "q. School Flexibility Account (Restricted/OTO) 10,000,000" [state special FY09]

2. Page A-3, following line 6.

**Insert:** "If Senate Bill No. 568 does not contain a transfer of \$10 million from the school facility improvement fund to the school flexibility fund, School Flexibility Account is void."

Amendment adopted as follows:

Yeas: Black, Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 31

Nays: Bales, Balyeat, Barkus, Brown, Curtiss, Esp, Essmann, Gebhardt, Gillan, Laible, McGee, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 19

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 809** - Senator Kitzenberg moved **HB 809**, second reading copy, be amended as follows:

1. Page A-1, line 21.

**Strike:** "513,450,519" [general fund FY09]

**Insert:** "515,450,519" [general fund fy09]

2. Page A-1, line 23.

**Strike:** "41,647,331" [general fund FY09]

**Insert:** "51,647,331" [general fund FY09]

Amendment **not** adopted as follows:

Yeas: Elliott, Gallus, Juneau, Kaufmann, Kitzenberg, Pease, Shockley, J.Tropila, Williams.

Total 9

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, M.Tropila, Wanzenried, Weinberg, Mr. President.

Total 41

Absent or not voting: None.

Total 0

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Excused: None.  
Total 0

**HB 809** - Senator Kaufmann moved **HB 809**, second reading copy, be amended as follows:

1. Page A-2, following line 27.

**Insert:** "If legislation is passed and approved that increases the quality educator payment to \$4,000 in fiscal year 2008 and to \$6,000 in fiscal year 2009, then Base Aid is \$515,273,669 in fiscal year 2008 and \$550,898,799 in fiscal year 2009."

Amendment **failed** with Senators Kaufmann, Juneau, Moss, Lewis voting yes.

**HB 809** - Senator McGee moved **HB 809**, second reading copy, be amended as follows:

1. Page A-3, following line 6.

**Insert:** "The fiscal year 2009 general fund appropriation for Special Education must be increased by any unexpended, unobligated funds remaining in the fiscal year 2008 appropriations for Base Aid, up to \$4 million."

Amendment **not** adopted as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Esp, Essmann, Gallus, Gebhardt, Kitzenberg, Laible, Lewis, McGee, Murphy, Pease, Perry, Peterson, Ryan, Stapleton, Steinbeisser, Story, Tash, J.Tropila.

Total 25

Nays: Balyeat, Cobb, Elliott, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Larson, Laslovich, Lind, Moss, O'Neil, Schmidt, Shockley, Smith, Squires, M.Tropila, Wanzonried, Weinberg, Williams, Mr. President.

Total 25

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 809** - Senator Ryan moved **HB 809**, second reading copy, be amended as follows:

1. Page A-2, line 24.

**Strike:** "2,100,000 2,100,000" [general fund FY08 and FY09]

**Insert:** " 750,000 750,000" [general fund FY08 and FY09]

2. Page A-2, following line 24.

**Insert:** "q. Indian Achievement Gap Payment (Restricted/OTO) 1,400,000 1,300,000" [general fund FY08 and FY09]

3. Page A-3, following line 6.

**Insert:** "Indian Achievement Gap Payment is to be distributed on a pro rata basis to each district based on the number of American Indian students."

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Amendment **not** adopted as follows:

Yeas: Balyeat, Barkus, Black, Brueggeman, McGee, O'Neil, Peterson, Ryan, Steinbeisser, Story, Tash.  
Total 11

Nays: Bales, Brown, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Schmidt, Shockley, Smith, Squires, Stapleton, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 39

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 809** - Senator Cobb moved **HB 809**, second reading copy, segregating sections 2 and 5 and keeping sections 1, 3, 4, and 6, be amended as follows:

1. Page A-1.

**Following:** line 21

**Insert:** "b. Base Aid Increase -- Senate Bill No. 75 188,569 184,664" [general fund FY08 and FY09]

**Renumber:** subsequent subsections

2. Page A-1.

**Following:** line 21

**Insert:** "b. Base Aid Increase -- Senate Bill No. 220 411,000" [general fund FY08]

**Renumber:** subsequent subsections

3. Page A-2.

**Following:** line 24

**Insert:** "q. Distance Learning Technology Payment 161,250 325,000" [general fund FY08 and FY09]

4. Page A-2.

**Following:** line 27

**Insert:** "If Senate Bill No. 75 is not passed and approved, Base Aid Increase--Senate Bill No. 75 is void."

5. Page A-2.

**Following:** line 27

**Insert:** "If Senate Bill No. 220 is not passed and approved, Base Aid Increase--Senate Bill No. 220 is void."

6. Page A-3.

**Following:** line 6

**Insert:** "If House Bill No. 515 is not passed and approved, Distance Learning Technology Payment is void."

Amendment adopted with Senator Brown, McGee, Stapleton, Essmann, Jackson voting nay.

**HB 809** - Senator Schmidt moved **HB 809**, as amended, be concurred in. Motion carried as follows:

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Yeas: Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Ryan, Schmidt, Smith, Squires, Steinbeisser, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 33

Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Esp, Essmann, Jackson, McGee, O'Neil, Perry, Peterson, Shockley, Stapleton, Story, Tash.  
Total 17

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 565** - Senator Schmidt moved **SB 565** do pass. Motion carried unanimously.

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Laslovich moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Weinberg, Williams, Mr. President.  
Total 29

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, McGee, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 20

Absent or not voting: None.  
Total 0

Excused: Wanzenried.  
Total 1

Senate recessed at 3:58 p.m.

Senate convened at 5:30 p.m.

Roll Call. Quorum present.

Yeas: Bales, Barkus, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 41

Nays: Balyeat, Essmann, Jackson, Lind, McGee, O'Neil, Shockley.  
Total 7

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Absent or not voting: None.  
Total 0

Excused: Black, Gebhardt.  
Total 2

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Laslovich in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 566** - Senator Hawks moved **SB 566**, second reading copy, be amended as follows:

1. Page 9, line 12.

**Insert:** "COORDINATION SECTION. Section 12. Coordination instruction. If Senate Bill No. 335 and [this act] are both passed and approved, then [section 6 of this act] is amended to read:

"NEW SECTION. Section 6. Definitions. For purposes of [sections 5 through 10], unless the context requires otherwise, the following definitions apply:

(1) "Education cooperative" means a cooperative of Montana public schools as described in 20-7-451.  
(2) "Educational loans" means all loans made pursuant to a federal loan program, except federal parent loans for undergraduate students (PLUS) loans, as provided in 20 U.S.C. 1078-2.

(3) "Federal loan program" means educational loans authorized by 20 U.S.C. 1071, et seq., 20 U.S.C. 1087a, et seq., and 20 U.S.C. 1087aa, et seq.

(4) (a) "Quality educator" means a full-time equivalent educator, as reported to the superintendent of public instruction for accreditation purposes in the previous school year, who:

(i) holds a valid certificate under the provisions of 20-4-106 and is employed by an entity listed in subsection (4)(b) of this section in a position that requires an educator license in accordance with administrative rules adopted by the board of public education; or

(ii) is a licensed professional under 37-8-405, 37-8-415, 37-11-301, 37-15-301, 37-23-201, 37-24-301, or 37-25-302 and is employed by an entity listed in subsection (4)(b) of this section to provide services to students.

(b) For purposes of subsection (4)(a), an entity means:

(i) a school district;

(ii) an education cooperative;

(iii) the Montana school for the deaf and blind, as described in 20-8-101; ~~and~~

(iv) a state youth correctional facility, as defined in 41-5-103; and

(v) the Montana youth challenge program.

(5) "School district" means a public school district, as provided in 20-6-101 and 20-6-701."

**Insert:** "COORDINATION SECTION. Section 13. Coordination instruction. If House Bill No. 417 and [this act] are both passed and approved and if House Bill No. 417 amends section 20-9-327, MCA, to include references to sections 37-17-302 and 37-22-301, MCA, then [section 6 of this act] is amended to read:

"NEW SECTION. Section 6. Definitions. For purposes of [sections 5 through 10], unless the context requires otherwise, the following definitions apply:

(1) "Education cooperative" means a cooperative of Montana public schools as described in 20-7-451.

(2) "Educational loans" means all loans made pursuant to a federal loan program, except federal parent loans for undergraduate students (PLUS) loans, as provided in 20 U.S.C. 1078-2.

(3) "Federal loan program" means educational loans authorized by 20 U.S.C. 1071, et seq., 20 U.S.C. 1087a, et seq., and 20 U.S.C. 1087aa, et seq.

(4) (a) "Quality educator" means a full-time equivalent educator, as reported to the superintendent of public instruction for accreditation purposes in the previous school year, who:



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(i) holds a valid certificate under the provisions of 20-4-106 and is employed by an entity listed in subsection (4)(b) of this section in a position that requires an educator license in accordance with administrative rules adopted by the board of public education; or

(ii) is a licensed professional under 37-8-405, 37-8-415, 37-11-301, 37-15-301, 37-17-302, 37-22-301, 37-23-201, 37-24-301, or 37-25-302 and is employed by an entity listed in subsection (4)(b) of this section to provide services to students.

(b) For purposes of subsection (4)(a), an entity means:

(i) a school district;

(ii) an education cooperative;

(iii) the Montana school for the deaf and blind, as described in 20-8-101; and

(iv) a state youth correctional facility, as defined in 41-5-103.

(5) "School district" means a public school district, as provided in 20-6-101 and 20-6-701."

**Renumber:** subsequent sections

Amendment adopted unanimously.

**SB 566** - Senator Hawks moved **SB 566**, as amended, do pass. Motion carried as follows:

Yeas: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 29

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 21

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 12 - House Amendments** - Senator Williams moved **SB 12**, Do Not Concur In. Motion carried with Senator Balyeat, O'Neil voting nay.

**SB 312 - House Amendments** - Senator Lind moved House amendments to **SB 312** be concurred in. Motion carried unanimously.

**SB 527 - House Amendments** - Senator Gillan moved House amendments to **SB 527** be concurred in. Motion carried unanimously.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 8 a.m., Saturday, April 14, 2007. Motion carried.

Senate adjourned at 6:48 p.m.

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JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

**SENATE JOURNAL  
60TH LEGISLATURE  
SEVENTY-NINTH LEGISLATIVE DAY**

Helena, Montana  
April 14, 2007

Senate Chambers  
State Capitol

Senate convened at 8:00 a.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. Senator Cobb excused. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 42

Nays: Balyeat, Gebhardt, Jackson, Lind, McGee, O'Neil, Shockley.  
Total 7

Absent or not voting: None.  
Total 0

Excused: Cobb.  
Total 1

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Barkus in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 3** - Senator Gallus moved **HB 3** be concurred in. Motion carried as follows:

Yeas: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Peterson, Ryan, Schmidt, Smith, Squires, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 31

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, McGee, O'Neil, Perry, Shockley, Stapleton, Steinbeisser, Tash.  
Total 18

Absent or not voting: None.  
Total 0

Excused: Cobb.  
Total 1

**HB 4** - Senator Wanzenried moved **HB 4** be concurred in. Motion carried as follows:

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Yeas: Bales, Black, Brown, Brueggeman, Cocchiarella, Elliott, Esp, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 40

Nays: Balyeat, Barkus, Curtiss, Essmann, McGee, O'Neil, Ryan, Shockley, Story.

Total 9

Absent or not voting: None.

Total 0

Excused: Cobb.

Total 1

**HB 6** - Senator \_\_\_\_\_ moved **HB 6**, second reading copy, be amended as follows:

1. Page 10, line 14.

Insert: "COORDINATION SECTION. Section 11. Coordination instruction. If the funding in [this act] is increased sufficiently to fund all the grants in [section 1(3) of this act], then the renewable resource grant authorization in [section 1(6) of HB 512] is void, and the appropriation of proceeds of borrowed funds in [section 1(5) of HB 512] is reduced by \$2.2 million."

Renumber: subsequent section

Amendment adopted with Senator Brown voting nay.

**HB 6** - Senator \_\_\_\_\_ moved **HB 6**, as amended, be concurred in. Motion carried unanimously.

**HB 7** - Senator Lewis moved **HB 7** be concurred in. Motion carried unanimously.

**HB 131** - Senator Wanzenried moved **HB 131** be concurred in. Motion carried as follows:

Yeas: Bales, Black, Brown, Brueggeman, Elliott, Esp, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 38

Nays: Balyeat, Barkus, Cocchiarella, Curtiss, Essmann, Kaufmann, McGee, O'Neil, Perry, Story.

Total 10

Absent or not voting: None.

Total 0

Excused: Cobb, Stapleton.

Total 2

**HB 12** - Senator Shockley moved **HB 12** be concurred in. Motion carried with Senator O'Neil, McGee voting nay.

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**HB 95** - Senator Lind moved **HB 95** be concurred in. Motion carried as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 43

Nays: Balyeat, Essmann, McGee, O'Neil, Perry, Shockley.  
Total 6

Absent or not voting: None.  
Total 0

Excused: Cobb.  
Total 1

**HB 9** - Senator Barkus moved **HB 9** be concurred in. Motion carried as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Cocchiarella, Curtiss, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 43

Nays: Balyeat, Elliott, Jackson, McGee, O'Neil.  
Total 5

Absent or not voting: Brown.  
Total 1

Excused: Cobb.  
Total 1

**HB 125** - Senator Barkus moved **HB 125** be concurred in. Motion carried with Senator Cocchiarella, Squires, Juneau voting nay.

**HB 63** - Senator Bales moved **HB 63**, second reading copy, be amended as follows:

1. Page 13, line 27.

**Following:** "(1), the"

**Insert:** "calculation of the"

2. Page 13, lines 28 and 29.

**Following:** "benefits" on line 28

**Strike:** remainder of line 28 through "excluding" on line 29

**Insert:** "is limited to the consideration of earned compensation. The calculation of the limit in subsections (1)(a)(i) and (1)(a)(ii) does not limit any other form of remuneration paid to the retired member, and excluded from the calculation of the limit for a retired member are:  
(i) for all school districts"

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3. Page 13, line 30.

**Strike:** "(i)"

**Insert:** "(A)"

**Renumber:** subsequent subsections

4. Page 14, line 6.

**Following:** "member"

**Insert:** "; and

(ii) for school districts that have fewer than 370 ANB:

(A) annuities;

(B) allowances for motor vehicles and housing;

(C) professional membership dues;

(D) maintenance;

(E) day care; and

(F) any similar payment for any form of maintenance, allowance, or expense"

5. Page 14, line 7.

**Following:** line 6

**Insert:** "(c) The retirement benefit of a retired member who is 70 years of age or older may not be reduced and is not subject to the limitations on maximum compensation."

Motion **failed** as follows:

Yeas: Bales, Barkus, Black, Curtiss, Esp, Essmann, Jackson, Juneau, Kitzenberg, Lewis, McGee, Murphy, Pease, Perry, Peterson, Ryan, Smith, Stapleton, Steinbeisser, Story, Tash.

Total 21

Nays: Balyeat, Brown, Brueggeman, Cocchiarella, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Kaufmann, Laible, Larson, Laslovich, Lind, Moss, O'Neil, Schmidt, Shockley, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 28

Absent or not voting: None.

Total 0

Excused: Cobb.

Total 1

**HB 63** - Senator Cooney moved **HB 63** be concurred in. Motion carried as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 43

Nays: Balyeat, Essmann, Gebhardt, McGee, O'Neil, Perry.

Total 6

Absent or not voting: None.

Total 0

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Excused: Cobb.  
Total 1

**HB 160** - Senator Laible moved **HB 160**, second reading copy, be amended as follows:

1. Page 2, line 24 through line 26.

**Strike:** section 2 in its entirety

**Renumber:** subsequent section

Motion **failed** as follows:

Yeas: Gallus, Gebhardt, Gillan, Harrington, Laible, Pease, Weinberg.  
Total 7

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Williams, Mr. President.  
Total 42

Absent or not voting: None.  
Total 0

Excused: Cobb.  
Total 1

**HB 160** - Senator Laible moved **HB 160** be concurred in. Motion carried unanimously.

**HB 512** - Senator Brueggeman moved **HB 512**, second reading copy, be amended as follows:

1. Page 6, line 12.

**Following:** "(3)"

**Insert:** "and for the department of natural resources and conservation project in subsection (6)"

2. Page 6, line 20.

**Strike:** "\$15,363,890"

**Insert:** "\$17,563,890"

3. Page 6, line 21.

**Insert:** "(6) Up to \$2,200,000 is granted to the department of natural resources and conservation in fiscal year 2009, which must be used to fund local government renewable resource projects. The grant may only be awarded for the amount of anticipated shortfall in funding all of the renewable resource program grants authorized in [section 1(3) of House Bill No. 6]. Any unexpended funds remaining from this grant on July 1, 2009, will be remitted to the department of commerce, treasure state endowment program, to be used for repayment of loans."

Amendment adopted as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Williams.

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Total 33

Nays: Balyeat, Brown, Cocchiarella, Curtiss, Esp, Essmann, Hawks, Jackson, Jent, Juneau, Kaufmann, O'Neil, Squires, Wanzenried, Weinberg, Mr. President.

Total 16

Absent or not voting: None.

Total 0

Excused: Cobb.

Total 1

**HB 512** - Senator Brueggeman moved **HB 512** be concurred in as amended. Motion carried unanimously.

**HB 616** - Senator Gillan moved **HB 616** be concurred in. Motion carried as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Cocchiarella, Curtiss, Elliott, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, J.Tropila, M.Tropila, Williams, Mr. President.

Total 35

Nays: Balyeat, Brown, Esp, Essmann, Kaufmann, Lind, McGee, Shockley, Story, Tash, Wanzenried, Weinberg.

Total 12

Absent or not voting: None.

Total 0

Excused: Cobb, Gallus, Jackson.

Total 3

**HB 680** - Senator Elliott moved **HB 680** be concurred in. Motion carried unanimously.

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** moved the Senate recess at 10:00 a.m.

Senate reconvened at 11:10 a.m.

Roll Call.

Yeas: Bales, Barkus, Black, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 42

Nays: Balyeat, Brown, Gebhardt, Lind, McGee, O'Neil.

Total 6

Absent or not voting: None.

Total 0

Excused: Cobb, Shockley.



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Total 2

**HB 304** - Senator Black moved **HB 304**, second reading copy, be amended as follows:

1. Title, line 5.

**Following:** "ISSUES"

**Insert:** ", INCLUDING AN ECONOMIC ANALYSIS OF THE VALUE OF IRRIGATED AGRICULTURAL OPERATIONS IN MONTANA"

2. Title, line 7.

**Strike:** "AN APPROPRIATION"

**Insert:** "APPROPRIATIONS"

3. Page 12, line 26.

**Insert:** "(3) (a) There is appropriated from the general fund to the department of natural resources and conservation \$200,000 only for the biennium beginning July 1, 2007, and only for the purpose of contracting with an entity to conduct an economic analysis of the value of irrigated agricultural operations to Montana's economy. The economic analysis must include but is not limited to the identification of economic benefits, who benefits and to what extent from existing irrigation, the economic impact of the development of new irrigation projects, and the rehabilitation of older irrigation projects in Montana.

(b) The purchase of contracted services from the appropriation in this section must conform to the state procurement law in Title 18, chapter 4.

(c) The department shall provide a written report of the economic analysis to the water policy interim committee prior to October 1, 2008."

Amendment adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Kitzenberg, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash.  
Total 25

Nays: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 24

Absent or not voting: None.

Total 0

Excused: Cobb.

Total 1

**HB 304** - Senator Jackson moved **HB 304**, second reading copy, be amended as follows:

1. Page 2, line 12.

**Strike:** "MUST"

**Insert:** "may"

Amendment adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Hawks, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Shockley, Stapleton, Steinbeisser,

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Story, Tash, J.Tropila.  
Total 28

Nays: Elliott, Gallus, Gillan, Hansen, Harrington, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Schmidt, Smith, Squires, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 21

Absent or not voting: None.  
Total 0

Excused: Cobb.  
Total 1

**HB 304** - Senator Perry moved **HB 304**, as amended, be concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Harrington, Jackson, Kitzenberg, Laible, Lewis, Murphy, O'Neil, Perry, Peterson, Shockley, Smith, Stapleton, Steinbeisser, Tash, J.Tropila.  
Total 25

Nays: Brown, Elliott, Gallus, Gillan, Hansen, Hawks, Jent, Juneau, Kaufmann, Larson, Laslovich, Lind, McGee, Moss, Pease, Ryan, Schmidt, Squires, Story, M.Tropila, Wanzenried, Weinberg, Williams.  
Total 23

Absent or not voting: Mr. President.  
Total 1

Excused: Cobb.  
Total 1

Senator Williams moved the Senate recess.

Senate reconvened at 11:00 a.m.

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Barkus in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 830** - Senator Lind moved **HB 830**, second reading copy, be amended as follows:

1. Page 8, line 13.  
**Strike:** line 13 in its entirety  
**ReNUMBER:** subsequent subsections

2. Page 8, line 14.  
**Strike:** "\$9,115,400"  
**Insert:** "\$10,175,400"

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3. Page 8, line 15.

**Strike:** "\$29,193,600"

**Insert:** "\$30,175,600"

4. Page 14, line 20.

**Strike:** line 20 in its entirety

**Insert:** "2,042,000[LRITP] 2,042,000[Total]"

5. Page 16, line 4.

**Strike:** "\$1.305"

**Insert:** "\$5.050"

6. Page 16, line 9 through line 21.

**Following:** "APPROPRIATIONS."

**Strike:** remainder of line 9 through line 21

**Insert:** "The northern tier network expansion appropriation may not be used to acquire, operate, or maintain unused fiber-optic facilities in competition with the private sector. The northern tier network expansion project must be performed by contracted services pursuant to Title 18, chapter 4."

Amendment adopted as follows:

Yeas: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Shockley, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams.

Total 26

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Stapleton, Steinbeisser, Story, Tash, Mr. President.

Total 23

Absent or not voting: None.

Total 0

Excused: Cobb.

Total 1

**HB 830** - Senator Cooney moved **HB 830**, second reading copy, be amended as follows:

1. Page 11, line 21.

**Insert:** "The department of fish, wildlife, and parks shall give highest priority consideration to the acquisition of the Culbertson overlook and the south half of Brush Lake in the access Montana initiative." (indent)

Amendment adopted as follows:

Yeas: Bales, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 38

Nays: Balyeat, Barkus, Esp, Gebhardt, Jackson, McGee, O'Neil, Perry, Shockley, Stapleton, Tash.

Total 11

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Absent or not voting: None.  
Total 0

Excused: Cobb.  
Total 1

**HB 830** - Senator Wanzenried moved **HB 830**, second reading copy, be amended as follows:

1. Page 3, line 17.  
**Strike:** line 17 in its entirety  
**Insert:** "10,500,000[LRBP] 14,500,000[Total]"

2. Page 8, line 6.  
**Strike:** "\$46.838"  
**Insert:** "\$51.838"

Amendment **not** adopted as follows:

Yeas: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, Wanzenried, Weinberg, Williams.  
Total 23

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash, J. Tropila, M. Tropila, Mr. President.  
Total 26

Absent or not voting: None.  
Total 0

Excused: Cobb.  
Total 1

**HB 830** - Senator Lind moved **HB 830**, second reading copy, be amended as follows:

1. Title, line 12.  
**Following:** "ACCOUNT;"  
**Strike:** "PROHIBITING TELECOMMUNICATIONS AND INFORMATION SERVICES COMPETITION;"

2. Page 8, line 14.  
**Strike:** "\$9,115,400"  
**Insert:** "\$9,683,400"

3. Page 14.  
**Following:** line 21  
**Insert:** "University Research Network 568,000[LRITP] 568,000[Total]"

4. Page 16, line 4.  
**Strike:** "\$1.305"  
**Insert:** "\$1.873"

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5. Page 16, line 5.

**Following:** "EXPANSION"

**Insert:** ", the university research network,"

6. Page 27, line 2.

**Insert:** "NEW SECTION. Section 23. Telecommunication and information services competition prohibited.

(1) The university research network, part of a national research network infrastructure, serves entities within and outside this state. The Montana university system may use the northern tier network infrastructure only for the purpose of supporting the research and education missions of the Montana university system. The Montana university system may not use the university research network infrastructure for traditional internet, voice, video, or other telecommunications services beyond those required for research networks.

(2) The Montana university system or any entity associated with the university system may not resell any portion of the university research network to nonuniversity entities other than research collaborators.

(3) The university research network may not replace any telecommunication network services that are provided by the department of administration to any state agency, city, county, consolidated government, or school district under Title 2, chapter 17, part 5.

(4) The Montana university system shall provide a comprehensive biennial report of the university research network activities for the biennium beginning July 1, 2007, to the legislature in its next regular session as provided in 5-11-210 and shall submit to a biennial audit of the university research network activities beginning with the biennium beginning July 1, 2009."

**Renumber:** subsequent sections

7. Page 27, line 5.

**Following:** "18"

**Insert:** ", "

**Strike:** "AND"

**Following:** "19"

**Insert:** ", and 23"

8. Page 27, line 6.

**Following:** "18"

**Insert:** ", "

**Strike:** "AND"

**Following:** "19"

**Insert:** ", and 23"

Amendment adopted as follows:

Yeas: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 26

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 23

Absent or not voting: None.

Total 0

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Excused: Cobb.  
Total 1

**HB 830** - Senator Brueggeman moved **HB 830**, as amended, be concurred in. Motion carried as follows:

Yeas: Bales, Black, Brueggeman, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 33

Nays: Balyeat, Barkus, Brown, Curtiss, Esp, Gebhardt, Jackson, Juneau, McGee, O'Neil, Perry, Shockley, Stapleton, Story, Tash.  
Total 15

Absent or not voting: None.  
Total 0

Excused: Cobb, Essmann.  
Total 2

**HB 49** - Senator Hawks moved **HB 49** be concurred in. Motion carried unanimously.

**HB 96** - Senator McGee moved **HB 96**, second reading copy, be amended as follows:

1. Title, page 1, line 4.

**Strike:** "AND FUNDING"

2. Title, page 1, line 7 through line 8.

**Strike:** "ESTABLISHING" on line 7 through "COSTS;" on line 8

3. Title, page 1, line 8.

**Strike:** "A STATUTORY"

**Insert:** "AN"

**Strike:** "SECTIONS"

**Insert:** "SECTION"

4. Title, page 1, line 9.

**Strike:** "AND 17-7-502"

5. Page 1, line 13 through line 25.

**Strike:** section 1 in its entirety

**Renumber:** subsequent sections

6. Page 2, line 12 through page 3, line 16.

**Strike:** section 3 through section 4 in their entirety

**Insert:** "NEW SECTION. **Section 2. Appropriation.** There is appropriated \$1 from the general fund to the department of military affairs for fiscal year 2008."

**Renumber:** subsequent sections

Amendment adopted with Senator Lind voting nay.

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**HB 96** - Senator McGee moved **HB 96**, as amended, be concurred in. Motion carried unanimously.

**HB 116** - Senator Wanzenried moved **HB 116** be concurred in. Motion carried unanimously.

**HB 195** - Senator Gillan moved **HB 195**, second reading copy, be amended as follows:

1. Title, line 8.

**Strike:** "CASH"

2. Title, line 10.

**Strike:** "SECTIONS"

**Insert:** "SECTION"

**Following:** "20-5-101"

**Strike:** "AND 53-20-202"

3. Page 2, line 9 through page 3, line 7.

**Strike:** section 3 in its entirety

**Renumber:** subsequent sections

4. Page 3, line 16.

**Strike:** "cash"

Amendment adopted unanimously.

**HB 195** - Senator Murphy moved **HB 195**, as amended, be concurred in. Motion carried unanimously.

**HB 480** - Senator Laible moved **HB 480**, as amended, be concurred in. Motion carried as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Cocchiarella, Curtiss, Elliott, Gallus, Gebhardt, Harrington, Hawks, Jent, Kaufmann, Kitzenberg, Laible, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, Wanzenried, Williams, Mr. President.  
Total 36

Nays: Balyeat, Brown, Esp, Essmann, Gillan, Hansen, Jackson, Juneau, Larson, O'Neil, M.Tropila, Weinberg.  
Total 12

Absent or not voting: None.

Total 0

Excused: Cobb, Stapleton.

Total 2

**HB 488** - Senator Gillan moved **HB 488** be concurred in. Motion carried unanimously.

**HB 592** - Senator J. Tropila moved **HB 592** be concurred in. Motion carried unanimously.

**HB 823** - Senator Pease moved **HB 823**, second reading copy, be amended as follows:

1. Page 4, line 4 through line 5.

**Strike:** section 3 in its entirety

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**Renumber:** subsequent sections

Amendment adopted unanimously.

**HB 823** - Senator Gebhardt moved **HB 823**, as amended, be concurred in. Motion carried with Senator Schmidt voting nay.

**HB 829** - Senator Laslovich moved **HB 829** be concurred in. Motion carried unanimously.

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Barkus moved the Committee of the Whole report be adopted. Report adopted unanimously.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 565** passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 47

Nays: McGee.  
Total 1

Absent or not voting: None.  
Total 0

Excused: Cobb, Stapleton.  
Total 2

**SB 566** passed as follows:

Yeas: Brueggeman, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 33

Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Esp, Essmann, Gebhardt, Jackson, McGee, O'Neil, Shockley, Steinbeisser, Story.  
Total 15

Absent or not voting: None.  
Total 0

Excused: Cobb, Stapleton.



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Total 2

**SB 312**, House Amendments, concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 48

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Cobb, Stapleton.  
Total 2

**SB 527**, House Amendments, concurred in as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 45

Nays: Balyeat, O'Neil, Shockley.  
Total 3

Absent or not voting: None.  
Total 0

Excused: Cobb, Stapleton.  
Total 2

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 12:30 p.m., Monday, April 16, 2007. Motion carried.

Senate adjourned at 1:58 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

**SENATE JOURNAL  
60TH LEGISLATURE  
EIGHTIETH LEGISLATIVE DAY**

Helena, Montana  
April 16, 2007

Senate Chambers  
State Capitol

Senate convened at 12:30 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 40

Nays: Balyeat, Brown, Essmann, Gebhardt, Jackson, Lind, McGee, O'Neil, Shockley, Stapleton.

Total 10

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**REPORTS OF STANDING COMMITTEES**

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Cocchiarella, Chairman):

4/16/2007

**SJR 29**, introduced joint resolution, be amended as follows:

1. Page 1, line 20 through line 22.

**Strike:** "may"

**Insert:** "shall"

**Following:** "responsibilities" on line 20

**Strike:** "because" on line 20 through "terrorism" on line 22

**Insert:** ", and the Legislature expects maximization of returns through the prudent expert principle but may require that the ramifications of politically risky investments be considered"

2. Page 2, line 1.

**Following:** "decisions"

**Insert:** ", including management decisions that lead to more cost-effective handling of investments"

**Following:** ";

**Strike:** "and"

3. Page 2, line 3.

**Following:** "Legislature"

**Insert:** "; and

(3) economic development funds can be invested by the appropriate entity in state government responsible for the specific economic development program and, if so, determine what criteria to establish for those investments"

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4. Page 2, line 5 through line 7.

**Strike:** "in companies" on line 5 through "responsibility" on line 7

And, as amended, be adopted. Report adopted.

**SJR 30**, be adopted. Report adopted.

**HJR 69**, be amended as follows:

1. Page 13, line 30 through page 14, line 1.

**Strike:** "with" on page 13, line 30 through "satisfied" on page 14, line 1

**Insert:** "as described in 71-1-212"

And, as amended, be concurred in. Report adopted.

**NATURAL RESOURCES AND ENERGY** (Lind, Chairman):

4/16/2007

**HB 831**, be amended as follows:

1. Page 3, line 7 through line 8.

**Following:** "drain away for"

**Strike:** "maintenance" on line 7 through "streamflow" on line 8

**Insert:** "a beneficial use"

2. Page 6, line 2 through line 3.

**Following:** "drain away for"

**Strike:** "maintenance" on line 2 through "streamflow" on line 3

**Insert:** "a beneficial use"

3. Page 11, line 23.

**Strike:** "MODELING INFORMATION."

4. Page 13, line 2.

**Following:** "use"

**Insert:** "of surface water"

5. Page 16, line 6.

**Following:** "use"

**Insert:** "of surface water"

6. Page 17, line 16.

**Following:** "use"

**Insert:** "of surface water"

7. Page 18, line 25.

**Following:** "use"

**Insert:** "of surface water"

8. Page 32, line 17.

**Strike:** "(I)"

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9. Page 32, line 19 through line 20.

**Strike:** "SUBSTANTIAL" on line 19 through "prior appropriator" on line 20

**Insert:** "a correct and complete application"

10. Page 32, line 23 through line 25.

**Strike:** subsection (II) in its entirety

11. Page 32, line 30.

**Following:** "(3)(a)"

**Strike:** "(II)"

12. Page 33, line 2 through line 3.

**Following:** "16" on line 2

**Strike:** "and"

**Strike:** "PROVES BY" on line 2 through "will be offset" on line 3

13. Page 33, following line 17.

**Insert:** "(6) The priority date for an appropriation right that is granted to an entity whose permit application was returned after April 11, 2006, and before [the effective date of this act] because of the department's interpretation of a court decision is the date of the initial application to the department."

14. Page 33, line 22.

**Strike:** "water balance,"

15. Page 34, line 11.

**Following:** "survey"

**Insert:** ", and used by the water court, unless the applicant chooses to expand the boundaries"

16. Page 34, line 28.

**Strike:** "or change in appropriation right"

17. Page 34, line 30 through page 35, line 1.

**Strike:** subsection (ii) in its entirety

**Renumber:** subsequent subsections

18. Page 35, line 28 through line 29.

**Strike:** "that will result" on line 28 through "may" on line 29

**Insert:** "shall"

19. Page 36, line 10.

**Following:** "evidence"

**Strike:** "that"

**Insert:** "of how"

**Strike:** "be effective in offsetting"

**Insert:** "offset"

20. Page 36, line 25.

**Following:** "evidence"

**Strike:** "that"

**Insert:** "of how"

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**Strike:** "be effective in offsetting"

**Insert:** "offset"

21. Page 36, line 28.

**Strike:** "predicted"

22. Page 37, line 6.

**Following:** "APPROPRIATE"

**Insert:** "ground"

23. Page 37, line 12 through line 30.

**Strike:** subsection (3) in its entirety

**Insert:** "(3) (a) Once an application has been determined to be correct and complete, the department shall prepare a notice and publish it as provided under 85-2-307.

(b) If no valid objection to the application is filed and the applicant proves that the criteria of 85-2-311 or 85-2-402, if necessary, have been satisfied, the application must be granted or approved in a modified form or upon terms, conditions, or limitations specified by the department.

(c) If no valid objection to the application is filed and the applicant has not proved that the criteria of 85-2-311 or 85-2-402, if necessary, have been satisfied, the application must be denied.

(d) If a valid objection to the application is filed, the department shall proceed to process the application pursuant to 85-2-308 through 85-2-311. If the applicant satisfies the criteria of 85-2-311 or 85-2-402, if necessary, and proves by a preponderance of the evidence that net depletion, if any, will not adversely affect a prior appropriator based on the applicant's mitigation plan or aquifer recharge plan, the department shall issue the permit."

24. Page 38, line 6.

**Strike:** "or mitigation"

25. Page 38, line 9.

**Strike:** "or mitigation"

26. Page 38, line 13.

**Strike:** "mitigation plan or"

27. Page 38, line 14.

**Strike:** "or mitigation"

28. Page 38, line 17.

**Strike:** "a mitigation plan or"

**Insert:** "an"

29. Page 38, line 20.

**Following:** "meet"

**Insert:** ", at a minimum,"

30. Page 38, line 23 through line 26.

**Strike:** "must" on line 23 through "discharge" on line 26

**Insert:** "that are used for aquifer injection must meet the more stringent of either primary drinking water standards pursuant to Title 75, chapter 6, or the nondegradation requirements pursuant to 75-5-303 at the point of discharge.

(4) The appropriate interim legislative committee shall review drinking water standards and effluent

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treatment standards in other jurisdictions and recommend appropriate treatment standards for purposes of aquifer recharge and mitigation.

(5) For the purposes of this section, "aquifer injection" means the use of a well to inject water directly into an aquifer system without filtration through the geologic materials overlying the aquifer system for the purpose of aquifer recharge or for an aquifer storage and recovery project"

31. Page 41, line 20.

**Strike:** "to determine" through "resources"

**Insert:** ", as appropriate,"

32. Page 43, line 9.

**Following:** "appropriated"

**Insert:** "from the general fund"

33. Page 43, line 10.

**Following:** "geology"

**Insert:** "only"

34. Page 44, line 5.

**Strike:** "or change in appropriation right"

35. Page 44, line 6.

**Strike:** "pending or"

And, as amended, be concurred in. Report adopted.

**NATURAL RESOURCES AND ENERGY** (Lind, Chairman):

4/16/2007

**HB 473**, be concurred in. Report adopted.

**TAXATION** (Elliott, Chairman):

4/16/2007

**HB 529**, be amended as follows:

1. Title, line 4 through line 5.

**Strike:** "REDUCING" on line 4 through "PROPERTY;" on line 5

2. Title, line 6.

**Following:** "EXEMPT"

**Insert:** "CLASS EIGHT"

3. Title, line 8 through line 9.

**Strike:** "UNDER" on line 8 through "GRANTS" on line 9

**Insert:** "THROUGH GUARANTEED TAX BASE FUNDING"

4. Title, line 11.

**Following:** "PROVIDING"

**Insert:** "APPROPRIATIONS AND"

5. Title, line 12.

**Strike:** "7-1-2111,"

**Strike:** "15-6-138,"

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**Strike:** "20-9-406,"

6. Title, line 13.

**Strike:** "20-9-630"

**Insert:** "20-9-366"

**Strike:** "A DELAYED"

**Strike:** "DATE"

**Insert:** "DATES"

7. Page 1, line 18.

**Following:** "15-6-138"

**Insert:** "under [section 55, House Bill No. 833]"

8. Page 1, line 19.

**Following:** "15-6-145"

**Insert:** "because of the rate adjustment required by the amendment of 15-6-138 in [section 55, House Bill No. 833]"

9. Page 1, line 22.

**Strike:** "4"

**Insert:** "55, House Bill No. 833"

10. Page 1, line 24.

**Strike:** "4"

**Insert:** "55, House Bill No. 833"

**Strike:** "z"

11. Page 1, line 25.

**Strike:** "SCHOOL DISTRICT,"

12. Page 2, lines 21 and 22.

**Following:** "DISTRIBUTIONS" on line 21

**Insert:** "for fiscal year 2009"

**Strike:** ", AND THE" on line 21 through "20-9-630(2)." on line 22

**Insert:** ". Local government reimbursements for subsequent years are made pursuant to the entitlement share recomputation as provided in 15-1-121(6)."

13. Page 2, line 25.

**Strike:** "AND FOR EACH SCHOOL DISTRICT"

14. Page 2, line 27 through line 28.

**Strike:** "BY" on line 27 through "20-9-630." on line 28

15. Page 3, line 11 through page 4 line 13.

**Strike:** section 2 in its entirety

**Renumber:** subsequent sections

16. Page 16, line 26 through page 18, line 2.

**Strike:** section 4 in its entirety

**Renumber:** subsequent sections

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17. Page 18, line 23.

**Strike:** "first \$100,000"

**Insert:** "specified amount"

**Following:** "property"

**Insert:** "exempt"

**Following:** "15-6-138"

**Insert:** "(5)"

18. Page 22, line 13 through line 15.

**Strike:** "SHALL DECREASE" on line 13

**Insert:** "may not increase"

**Strike:** "NEW REIMBURSEMENT" on line 13

**Insert:** "loss of tax base because of legislative action that is reimbursed"

**Strike:** "THAT" on line 14 through "RECEIVED" on line 15

19. Page 23, line 15.

**Following:** "~~{section 11}:~~"

**Insert:** "[section 9];"

20. Page 23, line 19.

**Strike:** "20-9-630;"

21. Page 24, line 8 through page 27, line 18.

**Strike:** sections 9 and 10 in their entirety

**Insert:** "**Section 7.** Section 20-9-366, MCA, is amended to read:

**"20-9-366. Definitions.** As used in 20-9-366 through 20-9-371, the following definitions apply:

(1) "County retirement mill value per elementary ANB" or "county retirement mill value per high school ANB" means the sum of the taxable valuation in the previous year of all property in the county divided by 1,000, with the quotient divided by the total county elementary ANB count or the total county high school ANB count used to calculate the elementary school districts' and high school districts' current year total per-ANB entitlement amounts.

(2) (a) "District guaranteed tax base ratio" for guaranteed tax base funding for the BASE budget of an eligible district means the taxable valuation in the previous year of all property in the district divided by the sum of the district's current year BASE budget amount less direct state aid and the state special education allowable cost payment.

(b) "District mill value per ANB", for school facility entitlement purposes, means the taxable valuation in the previous year of all property in the district divided by 1,000, with the quotient divided by the ANB count of the district used to calculate the district's current year total per-ANB entitlement amount.

(3) "Facility guaranteed mill value per ANB", for school facility entitlement guaranteed tax base purposes, means the sum of the taxable valuation in the previous year of all property in the state, multiplied by ~~140%~~ 142% and divided by 1,000, with the quotient divided by the total state elementary ANB count or the total state high school ANB count used to calculate the elementary school districts' and high school districts' current year total per-ANB entitlement amounts.

(4) (a) "Statewide elementary guaranteed tax base ratio" or "statewide high school guaranteed tax base ratio", for guaranteed tax base funding for the BASE budget of an eligible district, means the sum of the taxable valuation in the previous year of all property in the state, multiplied by ~~175%~~ 181% and divided by the total sum of either the state elementary school districts' or the high school districts' current year BASE budget amounts less total direct state aid.

(b) "Statewide mill value per elementary ANB" or "statewide mill value per high school ANB", for school retirement guaranteed tax base purposes, means the sum of the taxable valuation in the previous year of all property in the state, multiplied by ~~121%~~ 123% and divided by 1,000, with the quotient divided by the total state elementary



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ANB count or the total state high school ANB amount used to calculate the elementary school districts' and high school districts' current year total per-ANB entitlement amounts."

**Insert:** "NEW SECTION. Section 8. Appropriation. (1) There is appropriated to the department of revenue \$1,028,863 from the general fund for the administration of the property tax rebate provided in [House Bill No. 833].

(2) There is appropriated to the office of public instruction \$9,340,700 from the general fund for the purpose of paying the increase in guaranteed tax base payments established in 20-9-366(4)(a) as amended by [section 7]."

**Insert:** "NEW SECTION. Section 9. Statutory appropriation. The money necessary for the payment of the tax rebates established in [section 55, House Bill No. 833] are statutorily appropriated, as provided in 17-7-502, from the general fund to the department of revenue for distribution to taxpayers."

**Renumber:** subsequent sections

22. Page 27, line 23.

**Strike:** "date"

**Insert:** "dates"

**Strike:** "[This]"

**Insert:** "(1) Except as provided in subsections (2) and (3), [this]"

23. Page 27.

**Following:** line 23

**Insert:** "(2) [Section 8(1) and this section] are effective on passage and approval.

(3) [Section 8(2)] is effective July 1, 2008."

And, as amended, be concurred in. Report adopted.

**HJR 31**, be concurred in. Report adopted.

4/16/2007

**HB 240**, be amended as follows:

1. Page 1, line 18 through line 20.

**Strike:** ":" on line 18 through "(ii)" on line 20

2. Page 2, line 3 through line 6.

**Strike:** "the following" on line 3 through "'Designated" on line 6

**Insert:** "'designated"

3. Page 2, line 8 through line 9.

**Strike:** subsection (c) in its entirety

And, as amended, be concurred in. Report adopted.

**HB 798**, be amended as follows:

1. Page 3, line 2.

**Strike:** "subsections"

**Insert:** "subsection"

**Strike:** "'and (3)"

2. Page 9.

**Following:** line 29

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**Insert:** "(4) The application must be accompanied by an application fee of \$50."

3. Page 10, line 21 through line 22.

**Following:** "IF"

**Strike:** "HOUSE BILL NO. 805" on line 21 through ", AND" on line 22

4. Page 10, line 23.

**Strike:** "ARE"

**Insert:** "IS"

And, as amended, be concurred in. Report adopted.

**HB 826**, be amended as follows:

1. Page 2, line 3.

**Strike:** "six"

**Insert:** "13"

2. Page 2, line 6.

**Strike:** "one county treasurer"

**Insert:** "two county treasurers, one representing eastern Montana and one representing western Montana,"

3. Page 2, line 9.

**Following:** the second "board"

**Insert:** ";

(vii) two members who are residential property taxpayers appointed by the governor from a list provided by the Montana association of county treasurers;

(viii) one member to represent schools impacted by centrally assessed property tax protests appointed by the Montana school boards association;

(ix) one member appointed by the Montana education association-Montana federation of teachers;

(x) one member appointed by the Montana league of cities and towns; and

(xi) one member representing an impacted centrally assessed class of taxpayers appointed by the Montana association of counties"

4. Page 2, line 19.

**Following:** "protest"

**Insert:** "with due regard not to prejudice the outcome of pending litigation"

5. Page 3, line 3.

**Strike:** "the governor and"

6. Page 3, line 8.

**Strike:** "At-large"

**Insert:** "Committee"

**Following:** "members"

**Insert:** "who are not legislators"

And, as amended, be concurred in. Report adopted.

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**MESSAGES FROM THE OTHER HOUSE**

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 4/14/2007  
**SB 253**, introduced by Cooney

**House joint resolution** passed and transmitted to the Senate for concurrence: 4/14/2007  
**HJR 49**, introduced by Thomas

**House joint resolution** passed and transmitted to the Senate for concurrence: 4/14/2007  
**HJR 50**, introduced by Becker

**Senate bill** concurred in and returned to the Senate: 4/14/2007  
**SB 158**, introduced by Cocchiarella

**Senate bill** concurred in and returned to the Senate: 4/14/2007  
**SB 209**, introduced by Essmann

**Senate bill** concurred in and returned to the Senate: 4/14/2007  
**SB 552**, introduced by Harrington

**Senate bill** concurred in and returned to the Senate: 4/14/2007  
**SB 553**, introduced by Black

**Senate joint resolution** concurred in and returned to the Senate: 4/14/2007  
**SJR 2**, introduced by Smith

**Senate joint resolution** concurred in and returned to the Senate: 4/14/2007  
**SJR 5**, introduced by Brueggeman

**Senate joint resolution** concurred in and returned to the Senate: 4/14/2007  
**SJR 6**, introduced by Schmidt

**Senate joint resolution** concurred in and returned to the Senate: 4/14/2007  
**SJR 13**, introduced by Smith

**Senate joint resolution** concurred in and returned to the Senate: 4/14/2007  
**SJR 24**, introduced by Laslovich

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**Senate joint resolution not** concurred in and returned to the Senate:

4/14/2007

**SJR 10**, introduced by Brown

**MOTIONS**

**SEN. ROY BROWN, SD 25, BILLINGS** moved to take **HB 406** from Finance and Claims Committee and placed on second reading the 81st Legislative day. The motion carried as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Esp, Gebhardt, Gillan, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Lewis, Lind, McGee, Murphy, Perry, Peterson, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila.  
Total 30

Nays: Balyeat, Cobb, Elliott, Essmann, Gallus, Hansen, Harrington, Hawks, Larson, Laslovich, Moss, O'Neil, Pease, Ryan, Schmidt, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 20

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SEN. JIM SHOCKLEY, SD 45, VICTOR** moved to take **HB 321** out of committee and placed on second reading on the 81st Legislative day. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 22

Nays: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 28

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SEN. TRUDI SCHMIDT, SD 11, GREAT FALLS** moved to refer **HB 179** to Finance and Claims Committee. The motion **failed** as follows:

Yeas: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Hawks, Kaufmann, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Squires, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 20

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Harrington,

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Jackson, Jent, Juneau, Kitzenberg, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, J.Tropila.

Total 30

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SEN. TRUDI SCHMIDT, SD 11, GREAT FALLS** moved to refer **HB 490** to Finance and Claims Committee. Motion **failed** as follows:

Yeas: Barkus, Cobb, Cocchiarella, Gallus, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Squires, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 22

Nays: Bales, Balyeat, Black, Brown, Brueggeman, Curtiss, Elliott, Esp, Essmann, Gebhardt, Jackson, Jent, Juneau, Kaufmann, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, J.Tropila.

Total 28

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SEN. JESSE LASLOVICH, SD 43, ANACONDA** moved to take **HB 405** out of committee and placed on second reading the 81st Legislative day. Motion **failed** as follows:

Yeas: Bales, Black, Brueggeman, Cocchiarella, Essmann, Gallus, Harrington, Jent, Juneau, Kitzenberg, Larson, Laslovich, Lewis, McGee, Moss, Pease, Peterson, Ryan, Smith, Squires, Steinbeisser, Tash, J.Tropila, Mr. President.

Total 24

Nays: Balyeat, Barkus, Brown, Cobb, Curtiss, Elliott, Esp, Gebhardt, Gillan, Hansen, Hawks, Jackson, Kaufmann, Laible, Lind, Murphy, O'Neil, Perry, Schmidt, Shockley, Stapleton, Story, M.Tropila, Wanzenried, Weinberg, Williams.

Total 26

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SEN. DAN HARRINGTON, SD 38, BUTTE** moved to take **HB 539** out of Finance and Claims Committee and placed on second reading the 80th Legislative day. Motion **failed** as follows:

Yeas: Bales, Balyeat, Cocchiarella, Elliott, Gallus, Gebhardt, Harrington, Juneau, Kaufmann, Kitzenberg,

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Larson, Laslovich, Lewis, Lind, Moss, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Williams, Mr. President.  
Total 22

Nays: Barkus, Black, Brown, Cobb, Curtiss, Esp, Essmann, Gillan, Hansen, Hawks, Jackson, Jent, Laible, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Stapleton, Steinbeisser, Story, Tash, Weinberg.  
Total 27

Absent or not voting: Brueggeman.  
Total 1

Excused: None.  
Total 0

**SEN. JIM SHOCKLEY, SD 45, VICTOR** moved **HB 420** be taken out of committee and placed on second reading this 80th Legislative day. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gallus, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Smith, Stapleton, Steinbeisser.  
Total 24

Nays: Cocchiarella, Elliott, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Squires, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 26

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SEN. CHRISTINE KAUFMANN, SD 41, HELENA** moved to change her vote on **HB 63** from "no" to "yes". Motion carried.

**SEN. CHRISTINE KAUFMANN, SD 41, HELENA** moved to change her vote on **HB 131** from "yes" to "no". Motion carried.

**SEN. JERRY BLACK, SD 14, SHELBY** moved his vote on **HB 68** be changed from "no" to "yes". Motion carried.

**SEN. VERDELL JACKSON, SD 5, KALISPELL** moved his vote on **HB 820** be changed from "yes" to "no". Motion carried.

**SEN. JOE BALYEAT, SD 34, BOZEMAN** moved to take **HB 273** out of committee and placed on second reading this 80th Legislative day. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 23

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Nays: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 27

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SEN. GARY PERRY, SD 35, MANHATTAN** moved to change his vote on **HB 820** from "yes" to "no".  
Motion carried.

**SEN. LARRY JENT, SD 32, BOZEMAN** moved to change his vote on **HB 406** from "no" to "yes". Motion carried.

**SEN. JOHN BRUEGGEMAN, SD 6, POLSON** moved to suspend the rules in order to place **HB 8** on third reading this Legislative day. Motion carried as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 47

Nays: Balyeat, Essmann, Juneau.  
Total 3

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SEN. MITCH TROPILA, SD 12, GREAT FALLS** moved to change his vote on **HB 473** from "no" to "yes".  
Motion carried.

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** moved the appointment of a Conference Committee on **HB 25**. President appoints Senator Laslovich, Chair, Senators Ryan, Esp.

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** moved to dissolve the Conference Committee on **SB 49** and appoint a Free Conference Committee. President appoints Senator Jent, Chair, Senators Pease, Esp.

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate resolution was introduced, read first time, and referred to committee:

**SR 10**, introduced by Squires, referred to State Administration.

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The following House bill was introduced, read first time, and referred to committee:

**HB 828**, introduced by Olson, referred to Natural Resources and Energy.

The following House joint resolutions were introduced, read first time, and referred to committees:

**HJR 49**, introduced by Thomas, referred to Natural Resources and Energy.

**HJR 50**, introduced by Becker, referred to Public Health, Welfare and Safety.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 820** concurred in as follows:

Yeas: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 30

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, McGee, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 20

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 809** concurred in as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 35

Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Esp, Essmann, Jackson, McGee, O'Neil, Perry, Shockley, Stapleton, Tash.  
Total 15

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 3** concurred in as follows:

Yeas: Bales, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau,



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Total 35

Nays: Balyeat, Barkus, Black, Brown, Brueggeman, Essmann, Gebhardt, Jackson, McGee, Murphy, O'Neil, Perry, Shockley, Stapleton, Steinbeisser.

Total 15

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 4** concurred in as follows:

Yeas: Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 34

Nays: Bales, Balyeat, Barkus, Black, Curtiss, Esp, Essmann, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story.

Total 16

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 7** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 131** concurred in as follows:

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Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 42

Nays: Balyeat, Curtiss, Esp, Kaufmann, McGee, O'Neil, Stapleton, Story.

Total 8

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 12** concurred in as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 45

Nays: Balyeat, Curtiss, McGee, O'Neil, Stapleton.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 125** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: Juneau.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 95** concurred in as follows:

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Yeas: Bales, Brown, Brueggeman, Cobb, Cocchiarella, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 38

Nays: Balyeat, Barkus, Black, Curtiss, Elliott, Esp, Essmann, McGee, O'Neil, Perry, Stapleton, Story.

Total 12

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 9** concurred in as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 44

Nays: Balyeat, Esp, Jackson, McGee, O'Neil, Story.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 63** concurred in as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Elliott, Esp, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 44

Nays: Balyeat, Cocchiarella, Essmann, McGee, O'Neil, Perry.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 160** concurred in as follows:

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Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 48

Nays: McGee, Story.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 512** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 6** concurred in as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 48

Nays: Balyeat, Shockley.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

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**HB 616** concurred in as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Juneau, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Williams, Mr. President.  
Total 36

Nays: Balyeat, Brown, Esp, Essmann, Jackson, Jent, Kaufmann, Lind, McGee, O'Neil, Shockley, Story, Wanzenried, Weinberg.  
Total 14

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 680** concurred in as follows:

Balyeat, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 42

Nays: Barkus, Curtiss, Gebhardt, Jackson, McGee, Murphy, Stapleton, Steinbeisser.  
Total 8

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 304** concurred in as follows:

Yeas: Bales, Balyeat, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Harrington, Hawks, Jackson, Kitzenberg, Laible, Laslovich, Lewis, Lind, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, Weinberg.  
Total 32

Nays: Barkus, Brown, Gallus, Gillan, Hansen, Jent, Juneau, Kaufmann, Larson, McGee, Moss, Schmidt, Shockley, Stapleton, M.Tropila, Wanzenried, Williams, Mr. President.  
Total 18

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

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**HB 830** concurred in as follows:

Yeas: Bales, Balyeat, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 44

Nays: Barkus, Brown, Gebhardt, Juneau, McGee, O'Neil.  
Total 6

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 49** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Essmann, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 42

Nays: Curtiss, Esp, Gallus, Gebhardt, Jackson, McGee, O'Neil, Shockley.  
Total 8

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 96** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

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Excused: None.  
Total 0

**HB 116** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: Cobb.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 195** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 480** concurred in as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Cocchiarella, Curtiss, Gallus, Gebhardt, Harrington, Hawks, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Ryan, Shockley, Smith, Squires, Steinbeisser, Tash, J.Tropila, Williams, Mr. President.  
Total 31

Nays: Balyeat, Brown, Cobb, Elliott, Esp, Essmann, Gillan, Hansen, Jackson, Juneau, McGee, O'Neil, Peterson, Schmidt, Stapleton, Story, M.Tropila, Wanzenried, Weinberg.  
Total 19

Absent or not voting: None.

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Total 0

Excused: None.

Total 0

**HB 488** concurred in as follows:

Yeas: Bales, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 45

Nays: Balyeat, Barkus, McGee, Shockley, Stapleton.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 592** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Williams, Mr. President.

Total 46

Nays: Esp, Larson, Stapleton, Weinberg.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 823** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Gillan, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 46

Nays: Gallus, Harrington, Schmidt, M.Tropila.

Total 4

Absent or not voting: None.



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Total 0

Excused: None.

Total 0

**HB 829** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 8** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: Essmann.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Cocchiarella in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 298** - Senator Laible moved **HB 298** be concurred in. Motion carried as follows:

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Yeas: Balyeat, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Schmidt, Shockley, Smith, Squires, Steinbeisser, Tash, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 38

Nays: Bales, Barkus, Brown, Esp, McGee, Perry, Stapleton, J.Tropila.

Total 8

Absent or not voting: None.

Total 0

Excused: Essmann, Peterson, Ryan, Story.

Total 4

**HB 574** - Senator Lewis moved **HB 574** be concurred in. Motion carried as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Gallus, Gebhardt, Gillan, Harrington, Hawks, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 34

Nays: Bales, Balyeat, Barkus, Brown, Curtiss, Essmann, Hansen, Jackson, Juneau, McGee, O'Neil, Perry, Shockley, Stapleton, Story.

Total 15

Absent or not voting: None.

Total 0

Excused: Black.

Total 1

**HB 677** - Senator Juneau moved **HB 677** be concurred in. Motion carried as follows:

Yeas: Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Gallus, Gillan, Hansen, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Weinberg, Williams, Mr. President.

Total 30

Nays: Bales, Balyeat, Barkus, Brown, Esp, Essmann, Gebhardt, Jackson, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash, Wanzenried.

Total 19

Absent or not voting: None.

Total 0

Excused: Harrington.

Total 1

**HB 8** - Senator Brueggeman moved **HB 8** be concurred in. Motion carried as follows:

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Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Gallus.  
Total 1

**HB 27** - Senator Curtiss moved **HB 27** be concurred in. Motion carried as follows:

Yeas: Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 37

Nays: Bales, Balyeat, Barkus, Brown, Esp, Essmann, Gebhardt, Jackson, McGee, Murphy, O'Neil, Stapleton, Story.  
Total 13

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 141** - Senator Williams moved consideration of **HB 141** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**HB 148** - Senator Gillan moved **HB 148** be concurred in. Motion carried as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Elliott, Gillan, Hansen, Hawks, Jent, Kaufmann, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Ryan, Schmidt, Squires, Tash, Wanzenried, Weinberg, Williams, Mr. President.  
Total 25

Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Esp, Essmann, Gallus, Gebhardt, Jackson, Kitzenberg, Laible, McGee, O'Neil, Peterson, Shockley, Smith, Stapleton, Steinbeisser, Story, J.Tropila, M.Tropila.  
Total 23

Absent or not voting: None.  
Total 0

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Excused: Harrington, Juneau.  
Total 2

**HB 179** - Senator J. Tropila moved **HB 179** be concurred in. Motion carried unanimously.

**HB 278** - Senator Gillan moved **HB 278**, second reading copy, be amended as follows:

1. Page 1, line 15 through line 16.

**Strike:** "OR A" on line 15 through "PROGRAM" on line 16

Amendment adopted unanimously.

**HB 278** - Senator Lewis moved **HB 278**, as amended, be concurred in. Motion carried as follows:

Yeas: Bales, Black, Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 35

Nays: Balyeat, Barkus, Brown, Curtiss, Esp, Essmann, Gebhardt, Jackson, McGee, Murphy, O'Neil, Shockley, Stapleton, Steinbeisser, Story.  
Total 15

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 330** - Senator Williams moved consideration of **HB 330** be placed below 568 on the second reading board. Motion carried.

**HB 678** - Senator Ryan moved **HB 678** be concurred in. Motion carried as follows:

Yeas: Barkus, Brown, Brueggeman, Cobb, Cocchiarella, Essmann, Gillan, Hansen, Hawks, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Ryan, Schmidt, Smith, Squires, Stapleton, Tash, J.Tropila, M.Tropila, Weinberg, Williams, Mr. President.  
Total 33

Nays: Bales, Balyeat, Black, Curtiss, Elliott, Esp, Gallus, Gebhardt, Jackson, Juneau, O'Neil, Peterson, Shockley, Steinbeisser, Story, Wanzenried.  
Total 16

Absent or not voting: None.  
Total 0

Excused: Harrington.  
Total 1

**HB 490** - Senator Kaufmann moved **HB 490** be concurred in. Motion carried as follows:

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Yeas: Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 47

Nays: Perry.  
Total 1

Absent or not voting: None.  
Total 0

Excused: Bales, Cobb.  
Total 2

**HB 536** - Senator Esp moved **HB 536**, second reading copy, be amended as follows:

1. Page 2, line 4.

**Strike:** "either of"

2. Page 2, line 6.

**Strike:** "or"

**Insert:** "and"

3. Page 3, line 14.

**Strike:** "or to"

**Insert:** "; (b)"

4. Page 3, line 16.

**Strike:** "(b)"

**Insert:** "(c)"

**Following:** "distribution to"

**Insert:** ": (i)"

**Following:** "patient"

**Strike:** "or to"

**Insert:** "; (ii)"

5. Page 3, line 17.

**Following:** "patient;"

**Insert:** "or"

6. Page 3, line 18.

**Strike:** "(c)"

**Insert:** "(iii)"

7. Page 5, line 16.

**Following:** "drug;"

**Insert:** "or"

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8. Page 5, line 17 through line 18.

**Strike:** subsection (xiv) in its entirety

**Renumber:** subsequent subsection

9. Page 7, line 9 through line 11.

**Strike:** subsection (b) in its entirety

**Renumber:** subsequent subsection

10. Page 9, line 6.

**Strike:** "the following"

**Insert:** "other"

11. Page 9, line 7.

**Strike:** ":",

**Insert:** ", including but not limited to detailed employment history and criminal background information, as specified in board rules."

12. Page 9, line 8 through line 27.

**Strike:** line 8 through line 27

13. Page 10, line 14.

**Following:** "substances"

**Insert:** ", subject to the provisions of 37-1-203 and 37-1-205"

14. Page 10, line 18.

**Strike:** "engaged only in intracompany transfers"

**Insert:** "not engaged in wholesale distribution"

15. Page 11, line 1.

**Following:** "between a"

**Insert:** "United States"

16. Page 11, line 2 through line 3.

**Strike:** ", unless" on line 2 through "stringent" on line 3

**Following:** "." on line 3

**Insert:** "The United States food and drug administration guidelines are minimum requirements only, and the state may adopt, implement, and enforce stricter guidelines."

17. Page 11, line 9.

**Strike:** ", unless" through "stringent"

**Following:** "."

**Insert:** "The United States food and drug administration guidelines are minimum requirements only, and the state may adopt, implement, and enforce stricter guidelines."

18. Page 11, line 19.

**Strike:** "prescription drug marketing guidelines"

**Insert:** "Prescription Drug Marketing Act guidances"

19. Page 11, line 20.

**Strike:** "policing"

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**Insert:** "administering"

20. Page 13, line 13.

**Following:** "drug"

**Insert:** "and the national drug code number"

21. Page 14, line 3 through line 6.

**Strike:** subsection (2) in its entirety

**Insert:** "(2) Notice and an opportunity for hearing must be afforded to individuals pursuant to the Montana Administrative Procedure Act and this title."

Amendment adopted unanimously.

Senator J. Tropila in the chair.

**HB 536** - **Senator** \_\_\_\_\_ moved **HB 536**, as amended be concurred in. Motion carried with Senators McGee and O'Neil voting nay.

**HB 556** - Senator Cocchiarella moved **HB 556** be concurred in. Motion carried unanimously.

**HB 568** - Senator Wanzenried moved **HB 568** be concurred in. Motion carried as follows:

Yeas: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Moss, Pease, Ryan, Schmidt, Shockley, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Williams, Mr. President.

Total 26

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, Lind, McGee, Murphy, O'Neil, Perry, Peterson, Stapleton, Steinbeisser, Story, Tash, Weinberg.

Total 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 141** - Senator Cocchiarella moved **HB 141** be concurred in. Motion carried as follows:

Yeas: Black, Brueggeman, Cobb, Cocchiarella, Elliott, Gillan, Hansen, Harrington, Hawks, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 32

Nays: Bales, Balyeat, Barkus, Brown, Curtiss, Esp, Essmann, Gallus, Gebhardt, Jackson, Juneau, McGee, Murphy, O'Neil, Perry, Shockley, Stapleton, M.Tropila.

Total 18

Absent or not voting: None.

Total 0

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Excused: None.  
Total 0

**HB 461** - Senator Williams moved **HB 461** be concurred in. Motion carried as follows:

Yeas: Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 41

Nays: Bales, Balyeat, Barkus, Curtiss, Essmann, McGee, O'Neil, Shockley, Stapleton.  
Total 9

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

Senator Williams moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Williams moved the Committee of the Whole report be adopted. Report adopted unanimously.

Senate reconvened at 4:30 p.m.

Roll Call. Quorum present.

Yeas: Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Hansen, Harrington, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Lewis, Moss, Pease, Perry, Peterson, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 34

Nays: Balyeat, Essmann, Gebhardt, Gillan, Jackson, Lind, McGee, Murphy, O'Neil, Shockley.  
Total 10

Absent or not voting: None.  
Total 0

Excused: Bales, Esp, Gallus, Hawks, Laslovich, Ryan.  
Total 6

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Cocchiarella in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 69** - Senator Williams moved consideration of **HB 69** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.



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**HB 240** - Senator Elliott moved **HB 240** be concurred in. Motion carried unanimously.

**HB 337** - Senator Gebhardt moved **HB 337** be concurred in. Motion carried unanimously.

**HB 473** - Senator Lind moved **HB 473** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Hansen, Jackson, Jent, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Perry, Peterson, Ryan, Shockley, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Weinberg, Williams.

Total 38

Nays: Gillan, Harrington, Hawks, Juneau, Kaufmann, Pease, Schmidt, Smith, Squires, Wanzenried, Mr. President.

Total 11

Absent or not voting: None.

Total 0

Excused: Gallus.

Total 1

**HB 611** - Senator Wanzenried moved **HB 611** be concurred in. Motion carried with Senator Balyeat, Essmann, O'Neil, Story, Jackson voting nay.

**HB 790** - Senator Esp moved **HB 790** be concurred in. Motion carried with Senator Balyeat, O'Neil voting nay.

**HB 840** - Senator Laslovich moved **HB 840** be concurred in. Motion carried unanimously.

**HB 330** - Senator Lind moved **HB 330** be concurred in. Motion carried as follows:

Yeas: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Larson, Laslovich, Lind, Moss, Pease, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 25

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Kitzenberg, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Ryan, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 25

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

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Majority Leader Williams moved that the Senate adjourn until 8:00 a.m., Tuesday, April 17, 2007. Motion carried.

Senate adjourned at 6:03 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

**SENATE JOURNAL  
60TH LEGISLATURE  
EIGHTY-FIRST LEGISLATIVE DAY**

Helena, Montana  
April 17, 2007

Senate Chambers  
State Capitol

Senate convened at 8:00 a.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 42

Nays: Balyeat, Essmann, Gebhardt, Jackson, Lind, McGee, O'Neil, Shockley.  
Total 8

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**REPORTS OF STANDING COMMITTEES**

**FINANCE AND CLAIMS** (Schmidt, Chairman):  
**HB 515**, be amended as follows:

4/17/2007

1. Title, page 1, line 8.

**Following:** "EFFECTIVE DATE"

**Strike:** "AND"

**Insert:** ", "

**Following:** "APPLICABILITY DATE"

**Following:** ", AND A TERMINATION DATE"

2. Page 5, line 1 through line 2.

**Following:** "is" on line 1

**Strike:** remainder of line 1 through "\$250" on line 2

**Insert:** "\$50"

3. Page 5, line 3 through line 5.

**Following:** "year" on line 3

**Strike:** remainder of line 3 through "year" on line 5

4. Page 5, line 14.

**Insert:** "NEW SECTION. **Section 7. Termination.** [This act] terminates June 30, 2009."

And, as amended, be concurred in. Report adopted.

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**HB 519**, be amended as follows:

1. Page 1, line 9.

**Strike:** "\$800,000"

**Insert:** "\$100,000"

And, as amended, be concurred in. Report adopted.

**TAXATION** (Elliott, Chairman):

4/17/2007

**SB 833**, introduced bill, be amended as follows:

1. Title, line 4 through line 10.

**Strike:** "ALLOWING" on line 4 through "CREDIT;" on line 10

**Insert:** "CONFORMING STATE WITHHOLDING PROVISIONS TO FEDERAL WITHHOLDING PROVISIONS FOR PENSIONS, ANNUITIES, AND CERTAIN OTHER DEFERRED INCOME; REQUIRING WITHHOLDING AT 30 PERCENT OF THE AMOUNT WITHHELD FOR FEDERAL TAX PURPOSES; PROHIBITING THE PRACTICE COMMONLY KNOWN AS INSURANCE STUFFING BY SPECIFYING WHEN CORPORATIONS MAY PROPERLY TAKE A DIVIDENDS-RECEIVED DEDUCTION FOR DIVIDENDS RECEIVED FROM INSURANCE COMPANIES; SPECIFYING HOW TO CALCULATE THE APPROPRIATE DIVIDENDS-RECEIVED DEDUCTION IN THOSE CIRCUMSTANCES; DISREGARDING THE PERMANENT DEFERRAL OF GAIN RECOGNITION FOR CERTAIN TRANSACTIONS; AUTHORIZING THE DEPARTMENT OF REVENUE TO INCLUDE IN THE GROSS INCOME THE TAXPAYER'S PRO RATA SHARE OF ANY OF THOSE INSURERS' CURRENT EARNINGS AND PROFITS IN THAT TAXABLE YEAR; PROVIDING A REFUND OF UP TO A TOTAL OF \$400 OF 2006 MONTANA PROPERTY TAXES PAID BY A TAXPAYER OR TAXPAYERS ON THE RESIDENCE THAT THEY OWNED AND OCCUPIED AS THEIR PRINCIPAL RESIDENCE FOR AT LEAST 7 MONTHS DURING 2006 AND OF CERTAIN 2005 AND 2004 MONTANA PROPERTY TAXES PAID ON THE PRINCIPAL RESIDENCE; PROVIDING THE PROCEDURE FOR ESTABLISHING ENTITLEMENT TO THE REFUND AND THE PERIOD WITHIN WHICH THE ENTITLEMENT MUST BE ESTABLISHED; PROVIDING A ONE-TIME REFUNDABLE RENTER'S INCOME TAX CREDIT; LIMITING THE CREDIT TO INDIVIDUALS BELOW A CERTAIN INCOME LEVEL; CREATING THE MINERAL ROYALTY BACKUP WITHHOLDING ACT; PROVIDING DEFINITIONS; REQUIRING REMITORS TO WITHHOLD TAXES ON ROYALTY PAYMENTS MADE TO ROYALTY OWNERS; PROVIDING EXCEPTIONS TO THE WITHHOLDING TAX; MAKING REMITORS LIABLE FOR PAYMENT OF WITHHOLDING TAXES; PROVIDING A WITHHOLDING TAX RATE AND REMITTANCE SCHEDULE; PROVIDING FOR PENALTIES AND INTEREST FOR FAILURE TO REMIT TAX; REQUIRING REMITORS TO PROVIDE ANNUAL STATEMENTS TO ROYALTY OWNERS AND THE DEPARTMENT OF REVENUE; ADOPTING PROVISIONS OF THE MULTISTATE TAX COMMISSION MODEL ACT ON REPORTABLE TRANSACTIONS, THE MODEL ACT ON COMPILATION OF STATE TAX RETURN DATA, AND THE MODEL ACT FOR A TAX EVASION TRANSACTION VOLUNTARY COMPLIANCE PROGRAM; REQUIRING TAXPAYERS TO DISCLOSE CERTAIN TRANSACTIONS; REQUIRING MATERIAL ADVISERS TO DISCLOSE CERTAIN TRANSACTIONS; REQUIRING TAX SHELTER PROMOTERS TO DISCLOSE CERTAIN TRANSACTIONS AND MAINTAIN CERTAIN RECORDS; REQUIRING CERTAIN MULTISTATE TAXPAYERS TO COMPILE AND FILE CERTAIN FILINGS OR FILE COPIES OF STATE INCOME TAX RETURNS; PROVIDING FOR A VOLUNTARY COMPLIANCE INITIATIVE; CREATING THE MONTANA REAL ESTATE BACKUP WITHHOLDING ACT; PROVIDING DEFINITIONS; REQUIRING WITHHOLDING FOR INCOME TAX PURPOSES ON THE GAIN FROM THE SALE OR EXCHANGE OF CERTAIN MONTANA REAL ESTATE; ESTABLISHING A WITHHOLDING

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TAX RATE; PROVIDING EXCEPTIONS TO WITHHOLDING; ESTABLISHING REPORTING AND REMITTANCE REQUIREMENTS; REQUIRING THAT CERTAIN INFORMATION BE SUBMITTED WITH THE REALTY TRANSFER CERTIFICATE; PROHIBITING THE RECORDING OF A TRANSFER OF MONTANA REAL ESTATE OR A CHANGE IN OWNERSHIP RECORDS OF MONTANA REAL ESTATE FOR PROPERTY TAX PURPOSES IF THE REQUIRED INFORMATION IS NOT PROVIDED; PROVIDING RULEMAKING AUTHORITY TO THE DEPARTMENT OF REVENUE; CLARIFYING THE LIABILITY OF CLERKS AND RECORDERS; PROHIBITING RESORT COMMUNITIES, RESORT AREAS, AND RESORT AREA DISTRICTS FROM REQUIRING AN INTERMEDIARY TO COLLECT THE RESORT TAX; DEFINING "PERSON" TO INCLUDE DISREGARDED ENTITIES;"

2. Title, line 12.

**Following:** "MATTERS;"

**Insert:** "CLARIFYING PAYMENT OF INTEREST ON LATE-FILED RETURNS; PROVIDING PENALTIES FOR FRAUDULENT TAX REPORTING AND SUBSTANTIAL UNDERREPORTING OF TAX LIABILITY; CLARIFYING THAT A SHERIFF'S FEES ARE ADDED TO THE BALANCE OF A WARRANT FOR DISTRRAINT; CONFORMING THE TIME TO MAKE A RETURN OF A WARRANT FOR DISTRRAINT TO THE TIME THE NOTICE OF LEVY IS EFFECTIVE; ALLOWING A NOTICE OF LEVY OF A WARRANT FOR DISTRRAINT TO BE SERVED ELECTRONICALLY; INCREASING THE SCOPE OF RURAL TELECOMMUNICATIONS PROPERTY CLASSIFIED AS CLASS 5 PROPERTY BY INCREASING THE POPULATION LIMIT FOR CITIES AND TOWNS SERVED TO 5,000, PROVIDING A 10-YEAR EXEMPTION OF 50 PERCENT OF MARKET VALUE FOR NEW RURAL TELECOMMUNICATIONS PROPERTY; DEFINING "NEW RURAL TELECOMMUNICATIONS PROPERTY"; INCREASING THE BUSINESS EQUIPMENT TAX EXEMPTION TO THE FIRST \$80,000 OF MARKET VALUE OF PROPERTY; REQUIRING THAT THE CLASS 8 PROPERTY OF RELATED PERSONS BE AGGREGATED IN DETERMINING WHETHER THE \$80,000 EXEMPTION THRESHOLD IS EXCEEDED; EXEMPTING FROM TAXATION ITEMS OF PERSONAL PROPERTY WITH A MARKET VALUE OF LESS THAN \$100; CLARIFYING THAT PROPERTY OWNED BY COMMERCIAL MOBILE RADIO SERVICE PROVIDERS IS CENTRALLY ASSESSED FOR PROPERTY TAX PURPOSES; INCLUDING A GRANTOR TRUST AS A DISREGARDED ENTITY; CONFORMING MONTANA'S TAXATION LAWS WITH THE INTERNAL REVENUE CODE REGARDING THE TREATMENT OF QUALIFIED REAL ESTATE INVESTMENT TRUST SUBSIDIARIES AS DISREGARDED ENTITIES; DEFINING "GRANTOR TRUST"; DEFINING "REAL ESTATE INVESTMENT TRUST"; DIRECTING THE DEPARTMENT OF REVENUE TO WAIVE REPORTING REQUIREMENTS FOR GRANTOR TRUSTS THAT ESTABLISH THAT THEIR MONTANA SOURCE INCOME WILL BE FULLY ACCOUNTED FOR IN INDIVIDUAL INCOME TAX RETURNS, CORPORATION LICENSE TAX RETURNS, OR CORPORATION INCOME TAX RETURNS FILED WITH THE STATE; TREATING GRANTOR TRUSTS AS PASS-THROUGH ENTITIES FOR WITHHOLDING AND REPORTING PURPOSES; LIMITING THE FEDERAL DEDUCTION FOR COMPUTATION OF TAXABLE INCOME OF ESTATES AND TRUSTS; EXTENDING THE TIME PERIOD TO REQUEST REFUNDS FOR OVERPAYMENT OF INDIVIDUAL INCOME TAXES; CLARIFYING THE ALLOWED EXTENSION OF TIME FOR FILING AN INDIVIDUAL INCOME TAX RETURN; REVISING THE ELDERLY RESIDENTIAL PROPERTY TAX CREDIT TO PROVIDE A RESIDENTIAL PROPERTY TAX CREDIT FOR INDIVIDUALS UNDER 62 YEARS OF AGE WHOSE GROSS HOUSEHOLD INCOME DOES NOT EXCEED \$45,000; INCREASING THE CREDIT ALLOWED WHEN GROSS HOUSEHOLD INCOME IS AT LEAST \$35,000 BUT LOWER THAN \$45,000; REQUIRING INFORMATION AGENTS TO REPORT PROCEEDS FROM CERTAIN REAL ESTATE TRANSACTIONS; REVISING INFORMATION SHARING AMONG STATE AGENCIES; REQUIRING THE DISCLOSURE OF THE FEDERAL TAX IDENTIFICATION NUMBER OF A BUSINESS ENTITY ON THE ANNUAL REPORT FILED WITH THE OFFICE OF THE SECRETARY OF STATE;

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LIMITING DISCLOSURE OF THE FEDERAL TAX IDENTIFICATION NUMBER; AUTHORIZING THE DEPARTMENT OF REVENUE TO DISCLOSE CERTAIN INFORMATION FROM TAX RETURNS AND REPORTS TO THE SECRETARY OF STATE; GENERALLY REVISING AND CLARIFYING THE TAXATION OF REAL ESTATE INVESTMENT TRUSTS; PROVIDING A TAX CREDIT FOR THE MARKET VALUE OF REAL PROPERTY CONTRIBUTED TO THE STATE OF MONTANA BY A REAL ESTATE INVESTMENT TRUST; PROVIDING AN EXCLUSION, UNDER CERTAIN CONDITIONS, FROM THE ADJUSTED GROSS INCOME OR FROM THE CORPORATE GROSS INCOME OF SHAREHOLDERS AND HOLDERS OF BENEFICIAL INTERESTS OF REAL ESTATE INVESTMENT TRUSTS FOR DIVIDENDS RECEIVED FROM A REAL ESTATE INVESTMENT TRUST; PROVIDING FOR THE DETERMINATION OF THE NET INCOME OF REAL ESTATE INVESTMENT TRUSTS; DISALLOWING THE DIVIDENDS PAID DEDUCTION ALLOWED UNDER THE INTERNAL REVENUE CODE IN DETERMINING THE TAXABLE INCOME OF A REAL ESTATE INVESTMENT TRUST; CLARIFYING, IN ACCORDANCE WITH THE INTERNAL REVENUE CODE, THAT A DEDUCTION FOR DIVIDENDS RECEIVED FROM A REGULATED INVESTMENT COMPANY OR A REAL ESTATE INVESTMENT TRUST IS NOT ALLOWED; CLARIFYING THAT ALL TAXABLE INCOME OF A REAL ESTATE INVESTMENT TRUST IS TAXED AT THE CORPORATE LICENSE TAX RATE; CLARIFYING THE CALCULATION OF THE NET OPERATING LOSS OF A REAL ESTATE INVESTMENT TRUST; ALLOWING THE BOARD OF LAND COMMISSIONERS TO ACCEPT UNRESTRICTED DONATIONS OF REAL PROPERTY FROM REAL ESTATE INVESTMENT TRUSTS; PROVIDING FOR THE INCLUSION OF ALL DOMESTICALLY INCORPORATED SUBSIDIARIES IN THE WATER'S-EDGE GROUP; PROVIDING FOR THE INCLUSION IN THE WATER'S-EDGE GROUP INCOME THAT HAS A FEDERALLY REPORTABLE U.S. SOURCE; PREVENTING INCOME-SHIFTING TO FOREIGN INTANGIBLE HOLDING COMPANIES; UPDATING THOSE COUNTRIES CONSIDERED TAX HAVENS; PROVIDING IMPACTED TAXPAYERS THE ABILITY TO RESCIND A WATER'S-EDGE ELECTION; PROVIDING A 5-YEAR PERIOD OF LIMITATIONS FOR ASSESSMENT, COLLECTION, OR REFUND OF CORPORATION LICENSE TAX; INCREASING THE INDIVIDUAL INCOME TAX CREDIT FOR ENERGY-CONSERVING EXPENDITURES; PROVIDING A TAX CREDIT FOR TAXPAYERS WITH CERTAIN INCOME LEVELS AND FOR CERTAIN OWNERS OF PASS-THROUGH ENTITIES; PROVIDING A REFUND FOR UNUSED ENERGY-CONSERVING EXPENDITURE TAX CREDITS; REMOVING THE REQUIREMENT FOR COAL MINE OPERATORS TO REPORT TONS OF COAL SOLD; CLARIFYING THE REQUIREMENT FOR FILING OF DUPLICATE UNITED STATES ESTATE TAX RETURNS WITH THE DEPARTMENT OF REVENUE; DIRECTING CIGARETTE TAX APPEALS TO THE DEPARTMENT OF REVENUE; REVISING AND CLARIFYING CERTAIN PROVISIONS OF THE RESORT TAX, THE LODGING FACILITY USE TAX, AND THE SALES AND USE TAX; REVISING THE DEFINITION OF "FACILITY" FOR THE LODGING FACILITY USE TAX AND THE DEFINITION OF "ACCOMMODATIONS" FOR THE SALES AND USE TAX; CLARIFYING THE DETERMINATION OF ACCOMMODATION CHARGES THAT ARE SUBJECT TO THE LODGING FACILITY USE TAX AND THE SALES AND USE TAX; CLARIFYING THE DETERMINATION OF THE BASE RENTAL CHARGES THAT ARE SUBJECT TO THE SALES AND USE TAX; PROVIDING THAT THE LODGING FACILITY USE TAX AND THE SALES AND USE TAX ON ACCOMMODATION CHARGES AND BASE RENTAL CHARGES APPLY TO CERTAIN CHARGES IMPOSED BY INTERMEDIARIES; REQUIRING THAT THE LODGING FACILITY USE TAX AND THE SALES AND USE TAX BE INTERPRETED AND ADMINISTERED TOGETHER; EXEMPTING FOR 2 YEARS VEHICLE REGISTRATION FEES ON NEW LIGHT VEHICLES BASED ON A MILES-PER-GALLON RATING; CLARIFYING QUALIFICATIONS FOR DEPENDENTS WITH REGARD TO INDIVIDUAL INCOME TAX EXEMPTIONS;"

3. Title, lines 12 and 13.

**Following:** "SECTIONS" on line 12

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**Insert:** "7-4-2623, 7-6-1502, 7-6-1505, 15-1-102,"

**Following:** "15-1-201,"

**Insert:** "15-1-216, 15-1-706, 15-6-135, 15-6-138, 15-6-219, 15-23-101, 15-30-101, 15-30-111,"

**Strike:** "AND 15-30-142" on line 12

**Insert:** "15-30-136, 15-30-144, 15-30-149, 15-30-171, 15-30-172, 15-30-173, 15-30-174, 15-30-175, 15-30-176, 15-30-177, 15-30-178, 15-30-179, 15-30-301, 15-30-303, 15-30-1102, 15-31-113, 15-31-114, 15-31-119, 15-31-322, 15-31-323, 15-31-324, 15-31-326, 15-31-509, 15-31-511, 15-31-603, 15-32-109, 15-35-104, 15-36-313, 15-39-105, 15-39-107, 15-62-207, 15-62-208, 15-65-101, 15-65-102, 15-65-111, 15-65-112, 15-65-113, 15-65-114, 15-65-115, 15-68-101, 15-68-110, 15-68-210, 15-68-402, 15-68-501, 15-68-502, 15-68-510, 15-68-512, 15-68-516, 16-11-149, 35-1-1104, 35-8-208, 61-3-321, 72-3-1006, AND 77-1-213"

**Strike:** "AN" on line 12 through "IMMEDIATE" on line 13

**Strike:** the first "DATE" on line 13

**Insert:** "DATES"

**Strike:** "A RETROACTIVE" on line 13

**Following:** "APPLICABILITY" on line 13

**Strike:** "DATE"

**Insert:** "DATES"

4. Page 1, line 17 through page 2, line 4.

**Strike:** section 1 in its entirety

**Insert:** "NEW SECTION. **Section 1. Withholding from pensions, annuities, and certain other deferred income.** (1) In conformity with section 3405 of the Internal Revenue Code, 26 U.S.C. 3405, the payor of any periodic payment, nonperiodic distribution, or designated distribution, as defined in that section, shall:

(a) withhold from the payment 30% of the amount, if any, withheld for federal tax purposes; and

(b) withhold the amount in subsection (1)(a) and is liable for payment of the tax when required to withhold the amount for federal purposes.

(2) If a periodic payment, nonperiodic distribution, or designated distribution is not subject to federal withholding because a federal election of no withholding was made under section 3405 of the Internal Revenue Code, 26 U.S.C. 3405, then state withholding is not required and the amount withheld is considered zero.

(3) Amounts withheld under this section must be treated as if the amounts were withheld from wages paid by an employer to an employee subject to withholding under 15-30-202."

**Insert:** "NEW SECTION. **Section 2. Definitions.** For the purposes of [sections 2 through 8], unless otherwise required by the context, the following definitions apply:

(1) "Capitalization percentage" means the appropriate percentage established in [section 3].

(2) "Combined reporting group" means those corporations whose income is required to be included in the same combined report pursuant to 15-31-301 or 15-31-322.

(3) "Commonly controlled group" means a parent corporation and any one or more corporations or chains of corporations connected through stock ownership or constructive ownership with the parent if:

(a) the parent owns stock with more than 50% of the voting power of at least one corporation; and

(b) stock cumulatively representing more than 50% of the voting power of each of the corporations, except the parent, is owned by the parent, one or more corporations described in subsection (3)(a), or one or more other corporations that satisfy the conditions of this subsection (3)(b), if applicable.

(4) "Direct written premiums" means amounts written by an insurance company in consideration for insurance and annuity contracts issued to policyholders.

(5) "Dividend" means, for purposes of calculating the dividends-received deduction for any tax year described in [section 3], the total amount of qualified dividends allowed as a deduction for federal income tax purposes received by the corporation from the insurer corporation.

(6) "5-year average" means the aggregate net written premiums or total income, as the case may be, over the 5 immediately preceding calendar or fiscal years, divided by five. If an insurance company in the commonly controlled group has been in existence for fewer than 5 years, its aggregate net written premiums and total income

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must each be multiplied by five and divided by the number of years of its existence. If an insurance company does not have a regulatory filing requirement, the period covered is the fiscal year used for the insurance company's financial statements. The use of either the calendar year or fiscal year that is used for the determination of the first tax year 5-year average is considered an accounting method under [sections 2 through 8] and may be changed in subsequent tax years only with the written consent of the department.

(7) (a) "Investment income" means an insurance company's earnings from its investment portfolio, including interest, dividends, realized gains or losses, and rent, that, unless otherwise provided in subsections (7)(b) through (7)(d), is required to be reported in an insurer's statutory annual statement in accordance with the annual statement instructions and accounting practices and procedures manual promulgated by the national association of insurance commissioners.

(b) Except for reinsurance transactions, realized gains or losses do not include losses incurred in transactions with a person that is a member of the taxpayer's or the insurance company's commonly controlled group.

(c) Investment income does not include dividends from a person that is a member of the commonly controlled group. Intercompany dividends that have been eliminated from investment income as would be required to be reported in the statutory annual statement in accordance with the annual statement instructions and accounting practices and procedures manual promulgated by the national association of insurance commissioners may not again be eliminated for this purpose.

(d) Investment income does not include income included in the taxpayer's combined report filed in accordance with this chapter.

(8) "Insurer" has the meaning provided in 33-1-201.

(9) (a) "Net income attributable to investment income" means net income of the insurer multiplied by a ratio, the numerator of which is the insurer's gross investment income from interest, dividends (other than dividends from members of the taxpayer's commonly controlled group), rent, and realized gains or losses, and the denominator of which is the insurer's gross income (other than dividends from members of the taxpayer's commonly controlled group) from all sources.

(b) For the purposes of this definition, if an insurer is required to file a statutory annual statement pursuant to the annual statement instructions and accounting practices and procedures manual promulgated by the national association of insurance commissioners, "net income" means net income required to be reported in the insurer's statutory annual statement.

(10) (a) "Net written premiums" means direct written premiums plus premiums from reinsurance assumed, less premiums ceded to a reinsurance company, as would be required to be reported in an insurer's statutory annual statement in accordance with the annual statement instructions and accounting practices and procedures manual promulgated by the national association of insurance commissioners.

(b) Net written premiums from life insurance contracts are determined by multiplying the net written premiums received, assumed, or ceded by 1.3.

(c) Net written premiums from financial guaranty insurance contracts are determined by multiplying the net written premiums received, assumed, or ceded by the lesser of 2.3 or an amount that would cause the ratio of the 5-year average net written premiums for all financial guaranty insurance companies in the commonly controlled group to the 5-year average total income for all financial guaranty insurance companies in the commonly controlled group to be equal to the applicable capitalization percentage.

(11) "Premiums from reinsurance assumed" means amounts received or accrued by an insurance company in consideration for liabilities it assumes from another insurance company.

(12) "Qualified dividend" means a dividend received by a corporation during the tax year from a corporation that is an insurer, whether or not the insurer is engaged in business in Montana, if at the time of each dividend payment at least 80% of each class of stock of the insurer was owned, directly or indirectly, by the corporation receiving the dividend.

(13) "Total income" means net written premiums plus investment income."

**Insert: "NEW SECTION. Section 3. Reduction of dividends received by corporations -- capitalization percentage.** (1) For the purposes of calculating the dividends-received deduction allowed for Montana purposes, the amount of dividends must be multiplied by the appropriate capitalization percentage determined under subsections



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(2) through (4).

(2) If the ratio of the 5-year average net written premiums for all insurance companies in a commonly controlled group to the 5-year average total income for all insurance companies in the commonly controlled group for the tax year is greater than or equal to 60%, then the capitalization percentage is 100%.

(3) If the ratio of the 5-year average net written premiums for all insurance companies in a commonly controlled group to the 5-year average total income for all insurance companies in the commonly controlled group for the tax year is less than 60% but greater than 10%, then the capitalization percentage is equal to the following fraction, expressed as a percentage:

(a) the numerator is the 5-year average net written premiums for the tax year; and

(b) the denominator is 60% of the 5-year average total income for that tax year.

(4) If the ratio of the 5-year average net written premiums for all insurance companies in a commonly controlled group to the 5-year average total income for all insurance companies in the commonly controlled group for the tax year is 10% or less, then the capitalization percentage is 0%."

**Insert: "NEW SECTION. Section 4. Deductions not allowed for certain expenses.** (1) A deduction is not allowed for any expense under subsection (2) that is paid or incurred to an insurer if the insurer is a member of the taxpayer's commonly controlled group and the amount paid or incurred would constitute income to the insurer if the insurer were subject to the Montana income or franchise tax.

(2) (a) The following interest amounts payable to an insurer in the same commonly controlled group are disallowed:

(i) interest paid or incurred to an insurer in the taxpayer's commonly controlled group with respect to indebtedness, other than qualified marketable debt instruments, the principal amount of which is attributable to a contribution of money by a noninsurer member of the taxpayer's commonly controlled group to the capital of an insurer member of that group, including the principal amount of a loan arising from a direct or indirect transfer of money from that contribution to capital from one insurer to another insurer of the same commonly controlled group;

(ii) interest paid or incurred to an insurer with respect to a note or other debt instrument, other than qualified marketable debt instruments, contributed to the capital of an insurer with respect to its stock by a noninsurer member of the commonly controlled group;

(iii) interest paid or incurred within 5 years after the direct or indirect acquisition of the insurer by a member of the commonly controlled group, other than interest on qualified marketable debt instruments;

(iv) interest paid or incurred during the tax year to any insurer in the commonly controlled group multiplied by the disqualifying percentage. The disqualifying percentage is an amount equal to 100% less the capitalization percentage provided for in [section 3(2), (4), or (5)] for that tax year whether or not a dividend is paid or accrued.

(b) The following noninterest expenses are disallowed:

(i) expenses attributable to property formerly held by the taxpayer or a member of the taxpayer's commonly controlled group that was acquired by the insurer in a transaction in which gain was realized but not recognized, including any income deferred under [section 5], by the taxpayer or a member of its commonly controlled group;

(ii) expenses attributable to property purchased with the proceeds attributable to a contribution by a noninsurer member of the taxpayers' commonly controlled group to the capital of an insurer member of that group, including amounts attributable to a direct or indirect transfer of money from that contribution from one insurer to another insurer in the same group.

(3) Expenses that may be disallowed by more than one expense exclusion in subsection (2) may be included only in the exclusion that will result in the highest disallowance amount.

(4) For purposes of this section, the following definitions apply:

(a) "Qualified marketable debt instruments" means publicly available debt instruments of all noninsurer members of the commonly controlled group issued, but only to the extent that the aggregate principal amount of publicly available debt instruments held by all insurer members of the commonly controlled group constitutes less than 10% of the total outstanding principal amount of publicly available debt instruments issued by all noninsurer members.

(b) "Publicly available debt instruments" means debt instruments available to the general public, including bonds, debentures, and negotiable instruments that are rated by a nationally recognized statistical rating organization, as that term is used in Rule 15c3-1(c)(2)(vi)(F) under the Securities Exchange Act of 1934, in one of its generic

rating categories that signifies investment grade."

**Insert: "NEW SECTION. Section 5. Transfer of property to insurer.** (1) (a) Except as provided in subsection (1)(b), in connection with any exchange described in section 332, 351, 354, 356, or 361 of the Internal Revenue Code, 26 U.S.C. 332, 351, 354, 356, or 361, when a taxpayer transfers property to an insurer, the insurer, for purposes of determining the extent to which gain is recognized on that transfer, is not, for the purposes of this section, considered a corporation.

(b) The provisions of subsection (1)(a) do not apply to any of the following types of transactions unless that transaction has the effect, either directly or indirectly, of transferring appreciated property from a taxpayer subject to tax under this chapter or a member of the taxpayer's combined reporting group, to an insurer:

(i) an exchange or transfer pursuant to section 368(a)(2)(D) or (a)(2)(E) of the Internal Revenue Code, 26 U.S.C. 368(a)(2)(D) or (a)(2)(E);

(ii) a transfer of stock in an 80%-owned insurer for the purpose of filing a consolidated tax return or for financial or regulatory reporting; or

(iii) a transfer or exchange of publicly owned stock of the parent corporation.

(c) (i) If a transaction described in subsection (1)(b) would qualify under that subsection except that the transaction has the effect, directly or indirectly, of transferring appreciated property from a taxpayer or a member of the taxpayer's combined reporting group, subject to tax under this chapter, to an insurer, then, if the property is used in the active trade or business of the insurer, subsection (2) applies to that transfer.

(ii) For purposes of this subsection (1)(c), "appreciated property" means property whose fair market value, as of the date of the transfer subject to this section, exceeds its adjusted basis as of that date.

(2) (a) If property subject to subsection (1)(a) or (6) is transferred to an insurer for use in the active conduct of a trade or business of the insurer, then any gain otherwise required to be recognized under subsection (1)(a) or (6) is deferred until the date that:

(i) the property is no longer owned by an insurer in the taxpayer's commonly controlled group or a member of the taxpayer's combined reporting group;

(ii) the property is no longer used in the active conduct of the insurer's trade or business or the trade or business of another member in the taxpayer's combined reporting group; or

(iii) the holder of the property is no longer held by an insurer in the commonly controlled group of the transferor or a member of the taxpayer's combined reporting group.

(b) Any of the events described in subsection (2)(a) must be treated as a disposition of the property under this subsection (2), irrespective of whether any other provision of this chapter or in the Internal Revenue Code would otherwise permit nonrecognition treatment of the transaction described in this subsection (2).

(c) An insurer that becomes a member of the taxpayer's commonly controlled group or a corporation that becomes a member of the taxpayer's combined reporting group as a result of a transaction referred to in this subsection (2) must be treated as a member of the taxpayer's commonly controlled group or a member of the taxpayer's combined reporting group at the time of the transfer for purposes of this subsection (2).

(d) For purposes of this subsection (2), stock of an insurance subsidiary constitutes property used in the active trade or business of the insurer.

(e) This subsection (2) does not apply to any property described by section 367(a)(3)(B) of the Internal Revenue Code, 26 U.S.C. 367(a)(3)(B).

(f) If the deferred gain required to be taken into account under this subsection (2) is business income as defined in 15-31-302, the gain must be apportioned using the apportionment percentage for the tax year that the gain is required to be taken into account under this subsection (2). Except as provided in 15-31-312 and rules adopted to implement that section, for purposes of the sales factor for that tax year, the transaction giving rise to that gain must be treated as a sale occurring in the tax year the gain is taken into account. The amount of any gain required to be recognized under this subsection (2) upon any disposition described in this subsection (2) may not exceed the lesser of the deferred gain or the gain realized in the transaction in which gain is required to be recognized under this subsection (2).

(g) For purposes of computing the amount of gain required to be recognized under this subsection (2), appropriate adjustments may be made, pursuant to rules adopted by the department, to the basis of stock to reflect the disallowance of any expenses under [section 4(2)].

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(3) The department may adopt rules providing for an annual reporting requirement in the form of a statement or other form, to be attached to the transferor taxpayer's return, regarding the current ownership of any property for which any gains were previously deferred pursuant to subsection (2). If the transferor taxpayer fails to provide information required by the department, the department may, in lieu of the year in subsection (2)(f), require that the transferor taxpayer take those gains into account in the first tax year in which the current ownership of the property is not reported unless the property is still owned by the transferee and the failure to provide the information was due to reasonable cause and not willful neglect. If a taxpayer fails to satisfy the reporting requirements of this subsection, then a notice of proposed deficiency assessment resulting from adjustments attributable to gains previously deferred pursuant to subsection (2), with respect to which the reporting requirements were not satisfied, may be mailed to the taxpayer within 4 years from the date on which the reporting requirements are satisfied by the taxpayer.

(4) Unless otherwise provided by rules adopted by the department, a transfer by a taxpayer of an interest in a partnership to an insurer in a transaction described in subsection (1)(a) must be treated as a transfer to that insurer of the taxpayer's pro rata share of the assets of the partnership.

(5) (a) A distribution described by section 355 of the Internal Revenue Code, 26 U.S.C. 355, or section 356 of the Internal Revenue Code, 26 U.S.C. 356, as it relates to section 355 of the Internal Revenue Code, must be treated as an exchange under this section, whether or not the distribution is an exchange. This subsection (5)(a) does not apply to a distribution in which:

- (i) the distributing corporation is an insurer; or
- (ii) the distributee is a person other than an insurer.

(b) For a distribution described in section 355 of the Internal Revenue Code, 26 U.S.C. 355, or section 356 of the Internal Revenue Code, 26 U.S.C. 356, as it relates to section 355 of the Internal Revenue Code, by a taxpayer to an insurer, the department shall adopt rules regarding the recognition of gain to prevent the removal of gain inherent in property at the time of a transfer from taxation.

(6) For purposes of this section, a transfer of property to an insurer as a contribution to capital of that insurer by one or more persons who, immediately after the transfer, own, within the meaning of section 318 of the Internal Revenue Code, 26 U.S.C. 318, stock possessing at least 80% of the total combined voting power of all classes of stock of that insurer that are entitled to vote must be treated as an exchange of that property for stock of the insurer equal in value to the fair market value of the property transferred.

(7) (a) In the case of any liquidation to which section 332 of the Internal Revenue Code, 26 U.S.C. 332, applies, unless otherwise provided in rules adopted by the department:

- (i) sections 337(a) and (b)(1) of the Internal Revenue Code, 26 U.S.C. 337(a) and (b)(1), do not apply if the 80% distributee is an insurer; and
- (ii) if the distributor is an insurer, the distributee shall treat the distribution as a distribution from the insurer's earnings and profits.

(b) For purposes of subsection (7)(a)(ii), the distribution from earnings and profits must be treated as a dividend eligible for a deduction, to the extent otherwise provided in [section 3], as if it was actually distributed as a dividend.

(8) (a) Upon an adequate showing by a taxpayer that a transaction referred to in subsection (1) or (7) would not violate the purposes of this section to prevent the removal of gain inherent in property at the time of a transfer from taxation under this section, the department may grant relief from the application of this section.

(b) In a proceeding contesting the department's actions under this section, relief may be granted a taxpayer only upon a specific finding by the state tax appeal board or district court that the contested transfer did not remove gain inherent in property at the time of transfer from taxation under this section."

**Insert: "NEW SECTION. Section 6. Includable in gross income.** (1) (a) The department may include in the gross income of the taxpayer or a member of the taxpayer's combined reporting group in that tax year the taxpayer's pro rata share or the pro rata share of a member of the taxpayer's combined reporting group of any of those insurers' current earnings and profits in that tax year, but not to exceed an amount equal to the specific insurer's net income attributable to investment income for that year minus that insurer's net written premiums received in that same tax year, if:

- (i) for any tax year, an insurer is a member of a taxpayer's commonly controlled group;

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(ii) the ratio of the 5-year average net written premiums to the 5-year average total income of all insurers in the commonly controlled group is equal to or less than 0.10; and

(iii) the accumulation of earnings and profits of the insurers in the commonly controlled group had a substantial purpose of avoidance of taxes on, according to, or measured by income of this state or any other state.

(b) The amount included in gross income pursuant to subsection (1)(a) must be treated as a dividend received from an insurance company during the tax year, and to the extent applicable, [section 3] applies to that amount.

(2) To the extent that the amounts are included pursuant to subsection (1) in the gross income of a taxpayer or a member of the taxpayer's combined reporting group, those amounts may not again be considered as investment income in the application of the ratio in subsection (1)(a)(ii).

(3) (a) The amounts included in gross income under subsection (1) may not again be included in gross income when subsequent distributions are made to:

(i) the taxpayer or a member of the taxpayer's combined reporting group;

(ii) another taxpayer that acquires an interest in the stock of the taxpayer or a member of the taxpayer's combined reporting group with respect to which subsection (1) was applied; or

(iii) any successor or assign of the respective taxpayers or a member of the taxpayer's combined reporting group described in this subsection (3).

(b) For purposes of applying this subsection (3), distributions from an insurer are considered first made from amounts included under subsection (1).

(4) For purposes of this section, the terms "net written premiums", "5-year average net written premiums", and "5-year average total income" have the same meaning as applicable for [section 3], whether or not a dividend is actually received from any insurer member of the taxpayer's commonly controlled group in that tax year.

(5) For the purposes of this section, the taxpayer's pro rata share of the current earnings and profits of an insurer member of a commonly controlled group is the amount that would have been received as a dividend by the taxpayer or a member of the taxpayer's combined reporting group if:

(a) the insurer had directly distributed its current earnings and profits with respect to its stock held by the taxpayer or a member of the taxpayer's combined reporting group; and

(b) the insurer holds the stock of another insurer and all other insurer members of the taxpayer's commonly controlled group had distributed the same current earnings and profits with respect to their stock, in the same tax year, until amounts were received as a dividend by the taxpayer or a member of the taxpayer's combined reporting group from an insurer member of the commonly controlled group.

(6) In the application of this section, amounts treated as a dividend received by a partnership are considered a dividend received by each partner that is a member of the commonly controlled group, either directly or through a series of tiered partnerships.

(7) The provisions of this section do not apply to an insurer involved in a proceeding under the Insurers Supervision, Rehabilitation, and Liquidation Act, Title 33, chapter 2, part 13, or any similar proceeding brought by any other state insurance commissioner."

**Insert: "NEW SECTION. Section 7. Legitimate business purpose.** (1) If a taxpayer's ratio of the 5-year average net written premiums for all insurance companies in a commonly controlled group to the 5-year average total income for all insurance companies in the commonly controlled group for the tax year is greater than or equal to 60%, as determined under [section 3], then the provisions of [sections 2 through 8] do not apply.

(2) If a taxpayer's ratio of the 5-year average net written premiums for all insurance companies in a commonly controlled group to the 5-year average total income for all insurance companies in the commonly controlled group for the tax year is less than 60%, as determined under [section 3], and upon an adequate showing by a taxpayer that a transaction referred to in [sections 3 through 6] was entered into with a legitimate business purpose, the department may grant relief from the application of [sections 2 through 8]."

**Insert: "NEW SECTION. Section 8. Rulemaking authority.** The department may adopt rules that it considers necessary to implement and administer the provisions of [sections 2 through 7]."

**Insert: "NEW SECTION. Section 9. Definitions.** As used in [sections 10 through 12], the following definitions apply:

(1) "Montana property taxes" means the ad valorem property taxes imposed on property classified under

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15-6-134 that is a single-family dwelling unit, unit of a multiple-unit dwelling, trailer, manufactured home, or mobile home and as much of the surrounding land, not exceeding 1 acre, as is reasonably necessary for its use as a dwelling and that were assessed in the specified calendar year.

(2) "Owned" includes purchasing under a contract for deed and being the grantor or grantors under a trust indenture."

**Insert: "NEW SECTION. Section 10. Property tax refund -- manner of claiming -- limitations.** (1) (a) A refund of up to \$400 of 2006 Montana property taxes assessed to and paid by a taxpayer or taxpayers on the residence that they owned and occupied as their principal residence for at least 7 months during 2006 may be claimed as provided in subsection (2), subject to the limitations provided in subsection (3).

(b) If the 2006 Montana property taxes assessed to and paid by a taxpayer or taxpayers on the residence they owned and occupied as their principal residence for at least 7 months during 2006 were more than \$25 and less than \$400, a refund of the 2005 Montana property taxes assessed to and paid by the taxpayer or taxpayers on the principal residence, if they owned and occupied it as their principal residence for at least 7 months during 2005, may be claimed as provided in subsection (2), subject to the limitations provided in subsection (3), in an amount that together with the refund under subsection (1)(a) does not exceed \$400.

(c) If the 2006 Montana property taxes assessed to and paid by a taxpayer or taxpayers on the residence they owned and occupied as their principal residence for at least 7 months during 2006, together with the 2005 Montana property taxes allowed as a refund under subsection (1)(b), were more than \$50 and less than \$400, a refund of the 2004 Montana property taxes assessed to and paid by the taxpayer or taxpayers on the principal residence, if they owned and occupied it as their principal residence for at least 7 months during 2004, may be claimed as provided in subsection (2), subject to the limitations provided in subsection (3), in an amount that together with the refund under subsections (1)(a) and (1)(b) does not exceed \$400.

(2) (a) Subject to subsection (2)(b), the claim for refund, in the form that the department prescribes, must be executed by each taxpayer under penalty of false swearing and must include the information that the department requires.

(b) The personal representative of the estate of a deceased taxpayer may execute and file the claim for refund on behalf of a deceased taxpayer who qualifies for the refund.

(3) The claim for a refund is subject to the following limitations:

(a) The claim must be filed with the department of revenue on or before December 31, 2007, unless the department, for good cause shown, grants a reasonable extension of time for filing.

(b) Only one claim may be made with respect to any property.

(c) The claims by a taxpayer or taxpayers for 2006, 2005, and 2004 must be for the same property."

**Insert: "NEW SECTION. Section 11. Property tax refund -- penalty for false or fraudulent claim.** A person who files a false or fraudulent claim for a property tax refund [section 10] or a renter's credit under [section 12] is subject to criminal prosecution under the provisions of 45-7-202. If a false or fraudulent claim has been paid, the amount paid may be recovered as any other tax owed the state, together with a penalty of 25% and interest on the amount of the refund at the rate of 12% a year, until paid."

**Insert: "NEW SECTION. Section 12. Renter's tax credit -- eligibility -- requirements -- limitations -- refund.**

(1) Except as provided in subsections (6) and (7) and subject to the provisions of this section, an individual required to file a return under chapter 30 is allowed a renter's credit in an amount equal to 3% of the gross rent paid by the taxpayer in tax year 2006 for a dwelling or dwellings the taxpayer rented as the taxpayer's principal residence for at least 7 months during 2006. The maximum credit allowed under this section is \$120.

(2) In order to be eligible to make a claim for a credit under this section, the taxpayer must have:

(a) resided in Montana for at least 9 months of 2006; and

(b) occupied one or more dwellings in the state as a renter or lessee for at least 7 months of 2006.

(3) A taxpayer is not disqualified from claiming the credit under this section because of a change of residence during 2006 if the taxpayer occupied one or more dwellings in Montana as a renter or lessee for at least 7 months during 2006.

(4) (a) A receipt or other evidence of gross rent paid must be filed with the claim for a credit. In addition, each taxpayer shall, at the request of the department, supply all additional information to support the claim.

(b) If two or more individuals are sharing a dwelling, each individual may claim the credit based on the

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proportional share that the individual pays of the gross rent.

(5) If the amount of credit exceeds the taxpayers' s tax liability under this chapter, the amount of the excess must be refunded to the taxpayer.

(6) A claim for a credit is not allowed under this section if the individual' s adjusted gross income is greater than \$45,000. For married taxpayer' s filing jointly or separately on the same form the credit is not allowed under this section if the combined adjusted gross income is greater than \$45,000.

(7) A taxpayer who receives a residential property tax credit for the elderly for tax year 2006 under 15-30-171 through 15-30-179 may not claim the credit under this section.

(8) The claim for the renter' s credit under this section shall be made in the same manner and time and subject to the same conditions as prescribed for the property tax refund under [section 10(2), (3)(a), and (3)(b)].

(9) For the purposes of this section, the following definitions apply:

(a) "Dwelling" means:

(i) a single-family dwelling or unit of a multiple-unit dwelling and as much of the surrounding land, but not in excess of 1 acre, as is reasonably necessary for its use as a dwelling;

(ii) a single-family dwelling or unit of a multiple-unit dwelling that is rented from a county or municipal housing authority as provided in Title 7, chapter 15; or

(iii) a single-family dwelling or unit of a multiple-unit dwelling in which any portion of the individual' s rent payment is derived from rent equivalent payments or from a public rent or tax subsidy program.

(b) "Gross rent" has the meaning provided in 15-30-171.

(c) "Rent equivalent" means a rental payment paid by a governmental agency to a lessor or landlord."

**Insert:** "NEW SECTION. Section 13. Short title. [Sections 13 through 24] may be cited as the "Mineral Royalty Backup Withholding Act"."

**Insert:** "NEW SECTION. Section 14. Definitions. As used in [sections 13 through 24], the following definitions apply:

(1) "Mineral" has the same meaning as provided in 15-38-103.

(2) "Publicly traded partnership" means a publicly traded partnership as defined in section 7704 of the Internal Revenue Code, 26 U.S.C. 7704, that is not treated as a corporation.

(3) "Remittor" means an individual, entity, or trust that makes royalty payments to royalty owners.

(4) "Royalty owner" means a person or entity entitled to receive periodic payments for a nonworking interest in the production of oil or gas or in the severance of other minerals from the mineral estate."

**Insert:** "NEW SECTION. Section 15. Withholding required on mineral royalty payments. Except as provided in [section 16], each remittor shall withhold from each royalty payment made to a royalty owner an amount equal to 6% of the net amount payable to the royalty owner."

**Insert:** "NEW SECTION. Section 16. Withholding -- no application under certain conditions. (1) The provisions of [sections 13 through 24] do not apply to royalty payments made to a royalty owner if the royalty owner is:

(a) the United States or an agency of the federal government, this state or a political subdivision of this state, or another state or a political subdivision of another state;

(b) a federally recognized Indian tribe with respect to on-reservation oil and gas production pursuant to a lease entered into under the Indian Mineral Leasing Act of 1938, 25 U.S.C. 396a through 396g;

(c) the United States as trustee for individual Indians;

(d) a publicly traded partnership;

(e) an organization that is exempt from taxation under 15-31-102; or

(f) the same person or entity as the remittor.

(2) (a) The provisions of [sections 13 through 24] do not apply to a remittor that produces less than 100,000 barrels of oil and less than 500 million cubic feet of gas annually. The department shall determine a remittor' s annual production of oil and gas based upon a 3-year rolling average of the remittor' s annual production as reported by the remittor to the Montana board of oil and gas conservation.

(b) Each producer that is exempted from withholding under subsection (2)(a) shall make an annual return to report royalty payments that exceed the dollar amounts in subsection (3). The return must be made under rules adopted by the department and be as nearly identical as possible to federal rules for internal revenue service form

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1099 under section 6041, et seq., of the Internal Revenue Code, 26 U.S.C. 6041, et seq.

(c) Each year, a publicly traded partnership that is exempt from withholding under subsection (1)(d) shall transmit to the department, in an electronic format approved by the department, each partner's U.S. department of the treasury Schedule K-1, Form 1065 or 1065-B, as applicable, filed electronically for the year with the internal revenue service.

(d) A royalty owner that is an organization that is exempt from taxation under 15-31-102 shall report to the remittor and department under oath, on a form prescribed by the department, all information necessary to establish that the remittor is not required to withhold under [section 15].

(3) If the royalty payment made to a royalty owner subject to withholding under the provisions of [sections 13 through 24] is less than \$166 for the current withholding period or is less than \$2,000 if the payment is annualized, then the department may grant a remittor's request to forego withholding the tax from the royalty payment made to that royalty owner for the current withholding period or, if applicable, the royalty payments for the annual period.

(4) The department may, by rule, establish minimum royalty amounts subject to withholding under the provisions of [sections 13 through 24], other than for oil and gas production, if the department determines that the withholding against the minimal amount of royalties is inefficient."

**Insert: "NEW SECTION. Section 17. Remittor liable for withholding taxes and statements -- liability mitigation -- sufficiency of mailing address.** (1) Each remittor is liable for the payment required by [section 18], the amount required to be deducted and withheld under [sections 13 through 24], and the annual statements required by [sections 20 and 21]. The payments required by [section 18] and the amounts required to be deducted and withheld, plus penalty and interest due, are a tax. With respect to the tax, the remittor is the taxpayer.

(2) The officer of a corporation whose responsibility it is to collect, truthfully account for, and pay to the state the amounts withheld from mineral royalty payments and who fails to pay the withholdings is liable to the state for the amounts withheld and the penalty and interest due on the amounts.

(3) (a) Subject to subsections (3)(b) and (6), each officer of the corporation is individually liable, along with the corporation, for filing statements, to the extent that the officer has access to the requisite records, and for unpaid taxes, penalties, and interest upon a determination that the officer:

(i) possessed the responsibility to file statements and pay taxes on behalf of the corporation; and

(ii) possessed the responsibility on behalf of the corporation for directing the filing of tax statements or the payment of other corporate obligations and exercised that responsibility, resulting in the corporation's failure to file statements required by [sections 13 through 24] or to pay taxes due as required by [sections 13 through 24].

(b) If a corporate remittor violates the provisions of [sections 13 through 24], the department shall first apply the provisions of [section 23] against the corporation. If the corporation fails to remedy the violation, then the department shall apply the provisions of [section 23] against each responsible corporate officer as determined in subsections (3)(a) and (3)(c) of this section.

(c) In determining which corporate officer is liable, the department is not limited to considering the elements set forth in subsection (3)(a) to establish individual liability and may consider any other available information.

(4) In the case of a corporate bankruptcy, the liability of the individual remains unaffected by the discharge of penalty and interest against the corporation. The individual remains liable for any statements and the amount of taxes, penalties, and interest unpaid by the corporation.

(5) Subject to subsection (6), for the purpose of determining liability for the filing of statements and the payment of taxes, penalties, and interest owed under [sections 13 through 24]:

(a) each partner of a partnership is jointly and severally liable, along with the partnership, for any statements, taxes, penalties, and interest due while a partner;

(b) each member of a limited liability company that is treated as a partnership or as a corporation for income tax purposes is jointly and severally liable, along with the limited liability company, for any statements, taxes, penalties, and interest due while a member;

(c) the member of a single-member limited liability company that is disregarded for income tax purposes is jointly and severally liable, along with the limited liability company, for any statements, taxes, penalties, and interest due while a member; and

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(d) each manager of a manager-managed limited liability company is jointly and severally liable, along with the limited liability company, for any statements, taxes, penalties, and interest due while a manager.

(6) The liability of an individual described in subsection (3) or (5) for taxes, penalties, and interest is released if and to the extent that the amount required to be deducted and withheld under [sections 13 through 24] is deposited in a separate account that is:

- (a) established in a bank, as defined in 32-1-102, located in Montana;
- (b) designated as a special fund in trust for the state; and
- (c) payable to the department.

(7) If the remitter fails to deduct and withhold the amounts specified in [section 15] and the tax against which the deducted and withheld amounts would have been credited is paid, the amounts required to be deducted and withheld may not be collected from the remitter."

**Insert: "NEW SECTION. Section 18. Royalty withholding tax remittance schedule -- alternative schedules and methods -- records.** (1) Except as provided in subsection (2), each remitter is required to file a quarterly return, on a form prescribed by the department, and remit to the department the amount of tax withheld on royalty payments according to the following schedule:

(a) for royalty payments made during January, February, and March of each calendar year, the amount withheld is due on or before April 30 of the year;

(b) for royalty payments made during April, May, and June of each calendar year, the amount withheld is due on or before July 31 of the year;

(c) for royalty payments made during July, August, and September of each calendar year, the amount withheld is due on or before October 31 of the year; and

(d) for royalty payments made during October, November, and December of each calendar year, the amount withheld is due on or before January 31 of the following year.

(2) A remitter may request an alternative remittance schedule than is required by subsection (1). The department may consider situations, such as administrative and taxpayer convenience and frequency of royalty payments, in determining whether to approve an alternative remittance schedule.

(3) A remitter may elect to remit and file mineral backup withholding electronically in any format established and approved by the department if the remitter obtains prior approval from the department before remitting the tax by electronic fund transfer.

(4) If a remitter remits withholding taxes electronically, the remittance is considered timely if made within 5 days after the due date of the payment.

(5) If the department has reason to believe that collection of the amount of any tax withheld is in jeopardy, it may proceed as provided under 15-1-703.

(6) Each remitter shall keep accurate royalty payment and withholding records containing the information that the department may prescribe by rule. Those records must be open to inspection and audit and may be copied by the department or its authorized representative at any reasonable time and as often as may be necessary. A remitter that maintains its records outside of Montana shall furnish copies of those records to the department at the remitter's expense."

**Insert: "NEW SECTION. Section 19. Amount of royalty payment withheld considered taxes collected.** The amounts deducted and withheld from royalty payments are considered taxes collected under the provisions of [sections 13 through 24]. A royalty owner does not have a right of action against the remitter for any amount deducted and withheld from the royalty owner's royalty and paid to the state in compliance or intended compliance with [sections 13 through 24]. The amounts deducted and withheld and paid to the state in compliance or intended compliance with [sections 13 through 24] are not subject to the provisions of 82-10-103."

**Insert: "NEW SECTION. Section 20. Annual withholding statement to royalty owner.** Before January 31 of each year, each remitter shall furnish to each royalty owner a statement, on a form prescribed by the department, showing the total royalties paid by the remitter to the royalty owner during the preceding calendar year and showing the amount of the tax deducted and withheld from the royalty payments. The royalty owner shall file a duplicate of the statement with the royalty owner's state income tax return."

**Insert: "NEW SECTION. Section 21. Remitter to furnish annual statement to department.** (1) On or before



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February 28 of each year, each remitter shall file with the department a royalty and tax statement, on a form provided by the department, that shows the total royalties paid to each royalty owner subject to withholding during the preceding calendar year or any portion of the preceding calendar year and the total amount of the tax deducted and withheld from the royalty payments under the provisions of [sections 13 through 24] for the same period.

(2) The annual statement filed by a remitter under this section complies with the requirements of 15-30-301 relating to the duties of information agents. An additional information return is not required with respect to the royalty payments.

(3) The department shall make the forms described in [section 18] and this section available no later than November 15, 2007."

**Insert: "NEW SECTION. Section 22. Withheld taxes held in trust for state.** Each remitter that deducts and withholds the amounts under the provisions of [sections 13 through 24] shall hold the amounts in trust for the state."

**Insert: "NEW SECTION. Section 23. Violations by remitter -- penalties -- interest -- remedies.** (1) The department shall, as provided in 15-1-216, add penalty and interest to the amount of all delinquent withholding taxes.

(2) A remitter that purposely fails to furnish the royalty and tax statement required by [section 21] is subject to a penalty of \$50 for each failure, with a minimum of \$1,000. The penalties imposed by this subsection are in addition to the penalties imposed by 15-1-216.

(3) All remedies available to the state for the administration, enforcement, and collection of income taxes are available and apply to the tax required to be deducted and withheld under the provisions of [sections 13 through 24] unless otherwise specifically provided for in this part."

**Insert: "NEW SECTION. Section 24. Rulemaking authority.** The department shall adopt rules that may be necessary to administer and enforce the provisions of [sections 13 through 23]."

**Insert: "NEW SECTION. Section 25. Short title -- purpose.** (1) [Sections 25 through 31] may be cited as "The Reportable Transaction Act".

(2) The purpose of enacting [sections 25 through 31] is to address reportable transactions and tax evasion. [Sections 25 through 31] are not intended to prevent taxpayers from minimizing their taxes in compliance with the law."

**Insert: "NEW SECTION. Section 26. Definitions.** As used in [sections 25 through 31], the following definitions apply:

(1) "Disqualified opinion" has the meaning provided in section 6664(d)(3)(B)(iii) of the Internal Revenue Code, 26 U.S.C. 6664(d)(3)(B)(iii).

(2) "Disqualified tax adviser" has the meaning provided in section 6664(d)(3)(B)(ii) of the Internal Revenue Code, 26 U.S.C. 6664(d)(3)(B)(ii).

(3) "Gross valuation overstatement" has the meaning provided in section 6700(b) of the Internal Revenue Code, 26 U.S.C. 6700(b), and also means any statement as to the value of any property or services if:

(a) the stated value exceeds 200% of the amount determined to be the correct valuation; and

(b) the value of the property or services is directly related to the amount of any deduction or credit allowable under Title 15, chapter 30 or 31, to any participant.

(4) "Internal Revenue Code" has the meaning provided in 15-30-101.

(5) "Listed transaction" has the meaning provided in section 6707A(c)(2) of the Internal Revenue Code, 26 U.S.C. 6707A(c)(2), and also means a reportable transaction that is the same as or substantially similar to a transaction or arrangement specifically identified by the department pursuant to [section 31] as a tax evasion transaction.

(6) "Material adviser" has the meaning provided in section 6111(b)(1) of the Internal Revenue Code, 26 U.S.C. 6111(b)(1).

(7) "Noneconomic substance transaction" means any transaction or arrangement that lacks economic substance, as defined by Montana or federal law, including a transaction or arrangement in which the separate legal existence of an entity is not respected because the creation or use of the entity lacks a valid nontax Montana business purpose.

(8) "Reportable transaction" has the meaning provided in section 6707A(c)(1) of the Internal Revenue Code, 26 U.S.C. 6707A(c)(1). A reportable transaction includes, but is not limited to:

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(a) any transaction or arrangement described in U.S. treasury regulations 1.6011-4(b)(1) through 1.6011-4(b)(7), 26 CFR 1.6011-4(b)(1) through (b)(7);

(b) a listed transaction; and

(c) a noneconomic substance transaction.

(9) "Tax shelter" has the meaning provided in section 6662(d)(2)(C)(ii) of the Internal Revenue Code, 26 U.S.C. 6662(d)(2)(C)(ii), and also means a partnership or other entity, any investment plan or arrangement, or any other plan or arrangement if a significant purpose of the partnership, entity, plan, or arrangement is the evasion of a tax imposed by Title 15, chapter 30 or 31. As used in this subsection, "significant purpose" has the same meaning given the term under federal tax law."

**Insert: "NEW SECTION. Section 27. Taxpayer responsibility for disclosure of reportable transactions -- penalties -- waiver -- extension of statute of limitations.** (1) For each tax year in which a taxpayer, a pass-through entity, a federal consolidated group of which a taxpayer is a member, or a member of a unitary group of which a taxpayer is a member has participated in a reportable transaction, including a listed transaction, the taxpayer, pass-through entity, federal consolidated group, or unitary group is required to disclose the transaction as provided in subsection (2). In addition, for each tax year in which a taxpayer, a pass-through entity, a federal consolidated group of which a taxpayer is a member, or a member of a unitary group of which a taxpayer is a member is required to make a disclosure statement under U.S. treasury regulation 1.6011-4, 26 CFR 1.6011-4, with respect to a reportable transaction, including a listed transaction, in which the taxpayer, pass-through entity, federal consolidated group, or unitary group participated, the taxpayer, pass-through entity, federal consolidated group, or unitary group shall file a copy of the disclosure with the department as provided in subsection (2).

(2) (a) Reportable transactions, including listed transactions, must be disclosed in the manner prescribed in U.S. treasury regulations 1.6011-4, 26 CFR 1.6011-4, and department rules. A taxpayer who is an individual is required to disclose only transactions that are required to be disclosed as listed transactions or reportable transactions for federal income tax purposes.

(b) (i) With respect to a listed transaction entered into after February 28, 2000, but on or before December 31, 2006, disclosure must be made on or before the due date of and attached to the taxpayer's original and any amended Montana individual income or corporation license tax or pass-through entity information return for tax year 2006 and to the original and any amended Montana income or corporation license tax or pass-through entity information return for any subsequent tax year that reflects a reduction in Montana tax resulting from the listed transaction, including a loss, deduction, or credit resulting from a reportable transaction that is being carried forward or back.

(ii) With respect to a reportable transaction, including a listed transaction, entered into after December 31, 2006, disclosure must be attached to the taxpayer's original and any amended Montana individual income or corporation license tax or pass-through entity information return for the tax year during which the transaction was entered into and to the original and any amended Montana individual income or corporation license tax or pass-through entity information return for any later tax year that reflects a reduction in tax resulting from the reportable or listed transaction, including a loss, deduction, or credit that is being carried forward or back and that is a result of the transaction.

(iii) Disclosure of a reportable transaction entered into after February 28, 2000, must also be attached to any amended Montana individual income or corporation license tax or pass-through entity information return filed after December 31, 2006, if the filing reflects a determination by the internal revenue service of the federal tax treatment of a reportable transaction.

(3) The provisions of subsections (1) and (2) apply to any reportable transaction entered into after February 28, 2000, for any tax year or years for which the transaction remains undisclosed and for which the statute of limitations on assessment, taking into account the extension provided under subsection (12), has not expired as of [60 days after the effective date of sections 25 through 31].

(4) (a) A person who does not include on a return or statement information with respect to a reportable transaction that is required under subsection (2) or (3) to be included with the return or statement shall pay a penalty, in addition to any other penalty imposed, in the amount determined under subsections (4)(b) and (4)(c).

(b) Except as provided in subsection (4)(c), the amount of the penalty imposed under subsection (4)(a) is \$10,000 in the case of an individual and \$50,000 in any other case.

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(c) With respect to a listed transaction, the amount of the penalty under subsection (4)(a) is \$100,000 in the case of an individual and \$200,000 in any other case.

(5) A penalty imposed under subsection (4) is considered assessed on the due date of the tax return upon or attached to which the disclosure of the reportable transaction was required pursuant to this section and department rules.

(6) The department may waive all or any portion of any penalty imposed by this section with respect to any violation if:

(a) the violation is with respect to a reportable transaction other than a listed transaction; and

(b) rescinding the penalty would promote compliance with the requirements of Title 15, chapter 30 or 31, and effective tax administration.

(7) The penalty imposed under subsection (4) applies to any failure to disclose any listed transaction entered into after February 28, 2000, or any other reportable transaction entered into after [the effective date of sections 25 through 31] for any tax year or years for which the transaction remains undisclosed and for which the statute of limitations on assessment, taking into account the extension provided under subsection (12), has not expired as of [60 days after the effective date of sections 25 through 31].

(8) (a) If a taxpayer has a reportable transaction understatement for any tax year as determined under subsection (8)(b), there must be added to the tax a penalty in an amount equal to 20% of the amount of the understatement. If the requirements of subsection (1) are not met, the percentage to be used for the penalty determination is 30% with respect to the portion of any reportable transaction understatement.

(b) (i) Except as provided by department rule, a tax treatment included with an amendment or supplement to a return of tax may not be taken into account in determining the amount of any reportable transaction understatement if the amendment or supplement is filed after the earlier of the date the taxpayer is first contacted by the department regarding the examination of the return or any other date that is adopted by rule pursuant to [section 31].

(ii) A reportable transaction understatement is the sum of:

(A) the product of:

(I) the highest rate of tax imposed by 15-30-103 if the taxpayer is an individual and 15-31-121 if the taxpayer is a C. corporation; and

(II) the amount of the increase, if any, in Montana taxable income, as determined under subsection (8)(c), that results from a difference between the proper tax treatment of an item to which subsection (3) applies and the taxpayer's treatment of that item as shown on the taxpayer's return of tax, including an amended return if the amended return is filed prior to the date that the taxpayer is first contacted by the department regarding the examination of the tax year for which the amended return is filed; and

(B) the amount of the decrease, if any, in the aggregate amount of credits that results from a difference between the taxpayer's treatment of an item to which subsection (3) applies as shown on the taxpayer's return of tax and the proper tax treatment of that item.

(c) The amount of the increase in Montana taxable income for a particular tax year includes the restatement for another tax year to which a loss or deduction is carried forward or carried back that is attributable to the reportable transaction for that year in which the carryforward or carryback of the loss or deduction applies. Any reduction of the excess of deductions allowed for the tax year over gross income for the year and any reduction in the amount of capital losses that would be allowed for the year are treated as an increase in taxable income.

(d) This subsection (8) applies to any item that is attributable to:

(i) any listed transaction; and

(ii) any reportable transaction, other than a listed transaction, if section 6662A of the Internal Revenue Code, 26 U.S.C. 6662A, applies to the transaction or if a significant purpose of the transaction is the evasion of Montana income or corporation license tax.

(e) A penalty imposed under this subsection (8) is considered assessed on the due date of the Montana tax return that shows the understatement of tax resulting from a reportable transaction to which the penalty relates.

(9) (a) For an amended return filed after December 31, 2007, and before the taxpayer is contacted by the U.S. internal revenue service or the department regarding a reportable transaction, there must be added to any reportable transaction understatement, as determined under subsection (8)(b), a penalty, in addition to all other

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applicable penalties, equal to 50% of the interest assessed under 15-1-216 for the period beginning on the last date prescribed by law for the payment of the tax, determined without regard to extensions and ending on the date of payment.

(b) If the taxpayer has been contacted by the internal revenue service or the department regarding a reportable transaction, there must be added to any reportable transaction understatement, as determined under subsection (8)(b), a penalty, in addition to any other applicable penalties, equal to 100% of the interest assessed under 15-1-216 for the period beginning on the last date prescribed by law for the payment of the tax, determined without regard to extensions and ending on the date the notice of proposed assessment is mailed.

(10) (a) Except as provided in subsection (10)(b), the department may waive all or any portion of any penalty imposed by subsections (8) and (9) with respect to any portion of a reportable transaction understatement if it is shown that the taxpayer had a reasonable basis for the tax treatment applicable to that portion and acted in good faith with respect to that treatment.

(b) Subsection (10)(a) does not apply to any reportable transaction understatement unless:

(i) the relevant facts affecting the tax treatment of the item are adequately disclosed in accordance with all requirements of subsection (1) and department rules or the penalty for the taxpayer's failure to fully disclose was waived pursuant to subsection (6);

(ii) there is or was substantial authority for the tax treatment; and

(iii) the taxpayer reasonably believed that the tax treatment was more likely than not the proper tax treatment, but only if the belief:

(A) is based on the facts and law that exist at the time the return that includes the tax treatment is filed;

(B) relates solely to the taxpayer's chances of success on the merits of the tax treatment and does not take into account the possibility that a return will not be audited, the tax treatment will not be raised on audit, or the tax treatment will be resolved through settlement if it is raised; and

(C) does not rely upon the opinion of a disqualified tax adviser or on a disqualified opinion.

(11) A penalty imposed under subsections (8) and (9) applies to any understatement of tax resulting from a listed transaction entered into after February 28, 2000, or from any other reportable transaction entered into after [the effective date of sections 25 through 31] in any tax year or years for which the statute of limitations on assessment, taking into account the extension provided in subsection (12), has not expired as of [the effective date of sections 25 through 31].

(12) If a taxpayer does not include on a return or statement for any tax year information about a listed transaction required under subsection (1), the time for assessment of a tax imposed by Title 15, chapter 30 or 31, with respect to that transaction does not expire before the date that is 1 year after the earlier of the date:

(a) on which the department is furnished the information required; or

(b) that a material adviser meets the requirements of [section 28] with respect to a request by the department under [section 28(3)] relating to the transaction with respect to the taxpayer."

**Insert: "NEW SECTION. Section 28. Material adviser responsibility for disclosure of reportable transactions and maintenance of advisee lists -- penalties -- waiver.** (1) (a) With respect to any reportable transaction, a material adviser shall make a return in the form that the department prescribes setting forth:

(i) information identifying and describing the transaction;

(ii) information describing any potential tax benefits expected to result from the transaction; and

(iii) any other information that the department may prescribe.

(b) A material adviser who is required to disclose a reportable transaction pursuant to section 6111 of the Internal Revenue Code, 26 U.S.C. 6111, shall file a copy of the disclosure with the department.

(c) The return required by subsection (1)(a) and disclosure required by subsection (1)(b) must be filed not later than the date specified by the department.

(d) The department may adopt rules that provide:

(i) that only one person is required to meet the requirements of this subsection (1) in cases in which two or more persons would otherwise be required to meet the requirements; and

(ii) exemptions from the requirements of this subsection (1).

(2) (a) Each material adviser with respect to any reportable transaction shall, whether or not required to file a return under subsection (1)(a), maintain a list identifying each Montana taxpayer, pass-through entity, member

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of a federal consolidated group, or member of a unitary group for whom the adviser has acted as a material adviser with respect to the transaction.

(b) The list required under subsection (2)(a) must include the same information and must be maintained in the same form and manner as required under section 6112 of the Internal Revenue Code, 26 U.S.C. 6112, U.S. treasury regulation 301.6112-1, 26 CFR 301.6112-1, and any additional information or maintenance requirements as the department may by rule require.

(3) A person required to maintain a list under subsection (2)(a):

(a) shall make the list available to the department upon written request; and

(b) except as otherwise provided by the department by rule, shall retain any information that is required to be included on the list for 7 years.

(4) The department may, by rule, provide that in cases in which two or more persons are required to maintain the same list or a portion of the list under subsection (2), only one person is required to maintain the list or portion of the list.

(5) (a) If a person who is required to file a return or disclosure under subsection (1) with respect to any reportable transaction does not file the return or disclosure on or before the due date or files false or incomplete information with the department with respect to the transaction, the person shall pay a penalty with respect to the return or disclosure in the amount determined under subsections (5)(b) and (5)(c).

(b) Except as provided in subsection (5)(c), the penalty imposed under (5)(a) with respect to any failure is \$50,000.

(c) The penalty imposed under subsection (5)(a) with respect to any listed transaction is an amount equal to the greater of:

(i) \$200,000; or

(ii) except as provided in subsection (5)(d), 50% of the gross income derived by the person with respect to aid, assistance, or advice that is provided with respect to the listed transaction before the date the return and, if applicable, disclosure is filed under subsection (1).

(d) For an intentional failure or act described in subsection (5)(a), the percentage amount for the penalty computation in subsection (5)(c)(ii) is 75%.

(e) If a person is required to maintain a list under subsection (2) but does not make the list available upon written request to the department in accordance with subsection (3) within 20 business days after the date of the request, the person shall pay a penalty of \$10,000 for each day the list is not made available after the 20-day period has expired.

(6) Each of the penalties imposed by subsection (5) is in addition to any other applicable penalties.

(7) The department may waive all or any portion of penalty imposed under subsection (5):

(a) with respect to any violation of subsection (1) if:

(i) the violation relates to a reportable transaction other than a listed transaction; and

(ii) a waiver of the penalty would promote compliance with the requirements of Title 15, chapters 30 and 31, and effective tax administration; and

(b) with respect to any violation of subsection (2), if on any day the violation was due to a reasonable cause.

(8) The provisions of this section apply to transactions with respect to which material aid, assistance, or advice is provided by a material adviser after [the effective date of sections 25 through 31]."

**Insert: "NEW SECTION. Section 29. Tax shelters -- penalty for promotion.** (1) The penalty provided in subsection (3) must be paid by a person who:

(a) (i) organizes or assists in the organization of:

(A) a partnership or other entity;

(B) any investment plan or arrangement; or

(C) any other plan or arrangement; or

(ii) participates, directly or indirectly, in the sale of any interest in an entity, plan, or arrangement referred to in subsection (1)(a); and

(b) makes or furnishes or causes another person to make or furnish in connection with the organization or sale:

(i) a statement with respect to the allowability of any deduction or credit, the excludability of any income,

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the manipulation of any allocation or apportionment rule, or the securing of any other tax benefit by reason of holding an interest in the entity or participating in a plan or arrangement that the person knows or has reason to know is false or fraudulent as to any material matter; or

(ii) a gross valuation overstatement as to any material matter.

(2) Activities described in subsection (1)(a) with respect to each entity or arrangement must be treated as a separate activity and participation in each sale described in subsection (1)(b) must be treated as a separate activity.

(3) A person described in subsection (1) shall pay, with respect to each activity described in subsection (1)(a) and in addition to any other penalty provided by law, a penalty equal to:

(a) the lesser of:

(i) \$1,000; or

(ii) 100% of the gross income derived or to be derived by the person from the activity; or

(b) if an activity with respect to which a penalty imposed under this subsection (3) involves a disclosure described in subsection (1)(b), a penalty of 50% of the gross income derived or to be derived from the activity by the person on which the penalty is imposed.

(4) The department may waive all or any part of the penalty provided for in subsection (3) with respect to any gross valuation overstatement on a showing that there was a reasonable basis for the valuation and that the valuation was made in good faith.

(5) A privilege of confidentiality does not apply to any written communication that is:

(a) between a tax practitioner and:

(i) any person;

(ii) the department or any officer, employee, agent, or representative of the person; or

(iii) any other person holding a capital or profits interest in the person; and

(b) in connection with the promotion of the direct or indirect participation of the person in any tax shelter.

(6) The provisions of this section apply to activities after [the effective date of sections 25 through 31]."

**Insert: "NEW SECTION. Section 30. Injunction of certain conduct related to reportable transactions and tax shelters.** (1) A civil action in the name of the state to enjoin any person from further engaging in conduct specified in subsection (3) may be commenced at the request of the department. If the person is an individual who resides in Montana, an action under this section must be brought in the county in which the individual resides. If the person is not an individual who resides in Montana, an action under this section must be brought in the first judicial district court of Lewis and Clark County. The court may exercise its jurisdiction over the action separate and apart from any other action brought by the state against the person.

(2) In any action under this section, if the court finds that the person has engaged in the conduct specified in subsection (3) and that injunctive relief is appropriate to prevent recurrence of that conduct, the court may enjoin the person from engaging in that conduct or in any other activity subject to penalty under [sections 25 through 31].

(3) Conduct subject to injunction under this section is any action or failure to take action that is:

(a) subject to penalty under [sections 25 through 31]; or

(b) in violation of any requirement under rules issued pursuant to [sections 25 through 31]."

**Insert: "NEW SECTION. Section 31. Tax evasion transactions -- department rules.** (1) The department may not specifically identify a transaction or arrangement as a tax evasion transaction unless the department:

(a) consults with the multistate tax commission to promote uniformity;

(b) considers whether the transaction or arrangement involves some combination of the following:

(i) lacks meaningful economic risk of loss or potential for gain;

(ii) results in purposely inconsistent financial and accounting treatment;

(iii) involves complexity, unnecessary steps, or novel investments;

(iv) utilizes tax indifferent parties; or

(v) was marketed to multiple investors;

(c) considers whether disclosure of the transaction is limited in any manner by express or implied understanding or agreement, whether or not the understanding or agreement is legally binding;

(d) considers whether the taxpayer has the right to a full or partial refund of fees paid to any person who makes or provides an oral or written statement about the potential tax consequences of a transaction if it is not sustained or if fees are contingent on the taxpayer's realization of tax benefits from the transaction; and

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(e) determines and considers the costs of taxpayer compliance.

(2) The department shall by rule identify each transaction or arrangement specifically identified by the department pursuant to subsection (1) as a tax evasion transaction.

(3) The department shall file a report with each rule proposal notice when it proposes to adopt a rule to identify a listed transaction, setting forth how it applied the criteria listed in subsection (1) in proposing to identify a transaction or arrangement as a listed transaction.

(4) In adopting rules pursuant to [sections 25 through 31], the department shall determine and consider the costs of taxpayer compliance."

**Insert: "NEW SECTION. Section 32. Short title.** [Sections 32 through 37] may be cited as "The Compilation of State Tax Return Data Act"."

**Insert: "NEW SECTION. Section 33. Definitions.** As used in [sections 32 through 37], the following definitions apply:

(1) "Allocation" means assignment of income to one or more income tax states by means other than apportionment.

(2) "Apportionment factor" means any component ratio used in the apportionment percentage to apportion business income, such as a property factor, a payroll factor, or a sales factor.

(3) "Apportionment percentage" means the percentage formula used to assign a portion of the business income of the taxpayer or the combined reporting group of which the taxpayer is a member to an income tax state.

(4) "Business activity" means any activity conducted in a state that gives rise to:

(a) gross income;

(b) an expense reflected in the taxpayer's federal income tax return or income tax return of any state; or

(c) the use or availability for use of property in the state.

(5) "Business income" means the total income or loss subject to apportionment.

(6) "Combined reporting" means a method of determining business income and apportionment that takes into account the business income and apportionment factors of more than a single corporation and for purposes of this section includes a consolidated return.

(7) "Income tax state" means any state that imposes a tax on, according to, or measured by income.

(8) "Nonbusiness income" means income or loss subject to allocation to a specific state or states."

**Insert: "NEW SECTION. Section 34. Taxpayer responsibility for filing compilation of state tax return data.**

(1) Subject to subsection (2), a taxpayer that conducts business activity in this state and one or more other states or is a member of a combined reporting group that conducts business activity in this state and one or more other states shall compile the information described by [section 35] and file, in the form and manner required by [section 35], state tax return data as reported on its tax returns filed in this and all other income tax states with respect to business income, nonbusiness income, apportionment, and combined reporting whether or not a filing is required.

(2) A taxpayer is subject to the provisions of [section 34, 35, 36, or 37] for any tax year:

(a) for which the taxpayer or a combined reporting group of which the taxpayer is a member:

(i) is required to file internal revenue service schedule M-3 with its federal tax return; and

(ii) is subject to allocation and apportionment under 15-31-301; and

(b) in which the Montana apportionment percentage, as shown on the taxpayer's Montana tax return, is less than 20%."

**Insert: "NEW SECTION. Section 35. Information required to be compiled and filed -- time and manner of filing.** (1) For each income tax state in which a taxpayer or a member of a combined reporting group of which a taxpayer is a member has business activity, the following information must be compiled and filed:

(a) whether the taxpayer filed in that state;

(b) the business income of the taxpayer or of the taxpayer's combined reporting group reported to that state;

(c) the total nonbusiness income of the taxpayer or the total nonbusiness income of each member of the taxpayer's combined reporting group;

(d) the total nonbusiness income of the taxpayer or the total nonbusiness income of each member of the taxpayer's combined reporting group that is allocable to that state;

(e) for each of the apportionment factors used to determine the apportionment percentage, the dollar amount

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of the numerator and the denominator of the ratio used in that factor;

(f) the apportionment percentage used to apportion income subject to taxation in that state;

(g) the dollar amount of business income apportioned to that state;

(h) for those states that use combined reporting to apportion income for each combined reporting group of which the taxpayer is a member, a list of all corporations whose business income was included in business income of the combined reporting group; and

(i) any other information relating to the determination of business income, nonbusiness income, or the apportionment or allocation of that income that the department by rule requires.

(2) The compilation of state tax return data required by subsection (1) must be filed within 180 days of the filing of the original federal income tax return and any amended Montana corporation license tax return exclusive of federal changes.

(3) (a) Except as provided in subsection (3)(b), the compilation of state tax return data required by subsection (1) must be filed in the form and manner required by the department and must be consistent with the format developed and maintained for those filings by the multistate tax commission.

(b) In lieu of the requirements of subsection (3)(a), a taxpayer may elect to file a copy of each income tax return filed in each income tax state in which the taxpayer or a member of a combined reporting group of which the taxpayer is a member has business activity."

**Insert: "NEW SECTION. Section 36. Retention and provision of records required.** (1) A taxpayer shall retain a copy of its filings of the Montana corporate license tax schedule for apportionment factors for multistate taxpayers and the equivalent schedule filed by the taxpayer or a member of the taxpayer's combined reporting group in the other state or states in which the taxpayer or the taxpayer's combined reporting group conducted business activity. The taxpayer shall, within 60 days of a written request or within any additional time that the department grants upon written request for extension, provide a copy of the schedules to the department. Information required to be retained under this section must be retained for that period of time during which the taxpayer's corporation license tax liability to this state for that tax year may be subject to adjustment, including all periods in which additional income taxes or penalties may be assessed, or during which a protest, appeal, or lawsuit is pending with respect to Montana corporation license.

(2) (a) Except as provided in subsection (2)(b), the provisions of this section apply to information associated with any return due on or after [the date 2 years prior to the effective date of sections 32 through 37].

(b) During the course of an audit investigation, the department may, following [the effective date of sections 32 through 37], require production of information in possession of the taxpayer or, if applicable, a member of the taxpayer's combined reporting group for any tax year for which the statute of limitations on assessment has not expired."

**Insert: "NEW SECTION. Section 37. Penalties for failure to file, retain, or provide information -- assessment date -- waiver.** (1) (a) A taxpayer who does not file, retain, or provide information with respect to state tax return data as required by [sections 34 through 36] and department rules is subject to penalty in an amount determined under subsections (1)(b) and (1)(c) in addition to any other applicable penalties.

(b) For failure to file a compilation of state tax return data as required pursuant to [section 35], the amount of the penalty is the greater of \$10,000 or 0.25% of the amount of net income properly apportioned and allocated to this state;

(c) For failure to provide information required to be retained under [section 36] within 60 days of a request by the department or within any additional time the department allows by extension, the amount of the penalty is \$1,000 and an additional penalty of \$5,000 must be assessed for each additional 30 days that the information is not provided. If a taxpayer states that the information required under [section 36] does not exist and submits an affidavit to that effect, the taxpayer is subject to a penalty in the amount of \$30,000 in lieu of additional 30-day penalties.

(2) (a) The penalty imposed under subsection (1)(b) is considered assessed on the due date of the filing required pursuant to [section 35] and department rules.

(b) The penalty imposed under subsection (1)(c) is considered assessed on the 30th day following a request by the department and, if applicable, is assessed for each additional 30-day period during which the taxpayer fails to provide the information required to be retained pursuant to [section 36].

(3) The department may waive or abate all or any portion of any penalty imposed by this section with



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respect to any violation if rescinding the penalty would promote compliance with the requirements of [sections 32 through 37] and effective tax administration."

**Insert: "NEW SECTION. Section 38. Short title.** [Sections 38 through 40] may be cited as "The Act for Tax Evasion Transaction Voluntary Compliance Program"."

**Insert: "NEW SECTION. Section 39. Definitions.** As used in [sections 38 through 40], the following definitions apply:

(1) "Eligible taxpayer" means any taxpayer who, during the period from September 1, 2007, through December 31, 2007, does both of the following:

(a) files an amended Montana tax return for each tax year for which the taxpayer has previously filed a Montana tax return using a tax evasion transaction to underreport the taxpayer's income or corporation license tax liability reporting the total Montana net income and tax for the tax year computed without regard to any tax evasion transactions and without regard to any other adjustments that are unrelated to tax evasion transactions; and

(b) makes full payment or enters into an installment payment agreement as provided in [section 40(6)] for payment of the entire amount of Montana income or corporation license tax and interest due for each tax year that is attributable to the use of the tax evasion transaction.

(2) "Program" means the voluntary compliance program established in [sections 38 through 40].

(3) "Tax evasion transaction" means a transaction, plan, or arrangement devised for the principal purpose of evading federal income tax or Montana income or corporation license tax. A tax evasion transaction includes but is not limited to a reportable transaction as defined in [section 26], including a listed transaction as defined in [section 26]."

**Insert: "NEW SECTION. Section 40. Tax evasion transaction voluntary compliance program.** (1) There is a tax evasion transaction voluntary compliance program for eligible taxpayers subject to tax under Title 15, chapter 30 or 31, as provided in [sections 38 through 40]. The department shall develop and administer the program. The program must be conducted from September 1, 2007, through December 31, 2007, and applies to tax liabilities attributable to the use of tax evasion transactions for tax years beginning before January 1, 2007. The department shall adopt rules, issue forms and instructions, and take any other action that it considers necessary to implement the program.

(2) An eligible taxpayer may elect to participate in the program with respect to any tax year to which the program applies under either subsection (3) or (4). The election must be made for all tax years for which the taxpayer will participate, and a separate election for different tax years or for different transactions in different tax years is not allowed. The election must be made in the form and manner prescribed by the department and, once made, is irrevocable.

(3) If an eligible taxpayer elects to participate under this subsection (3):

(a) the department shall waive all penalties applicable to the underreporting or underpayment of Montana income or corporation license tax attributable to the use of tax evasion transactions for the tax years for which the taxpayer voluntarily complies, including penalties imposed under [sections 25 through 37];

(b) except as otherwise provided in this section, the department may not seek criminal prosecution against the taxpayer for the tax year underreporting and underpayment with respect to tax evasion transactions for which the taxpayer voluntarily complies;

(c) a penalty may not be waived under this section if the penalty imposed relates to an amount of Montana income or corporation license tax assessed or paid prior to September 1, 2007; and

(d) the taxpayer may not file a claim for credit or refund with respect to the tax evasion transactions for that tax year or for any amounts paid under the program.

(4) If an eligible taxpayer elects to participate under this subsection (4):

(a) the department shall waive any penalty imposed under [sections 25 through 37] with respect to disclosure of tax evasion transactions and underpayment of Montana income and corporation license tax resulting from the use of tax evasion transactions for any tax years for which the taxpayer voluntarily complies, but may not waive penalties imposed prior to [the effective date of sections 25 through 37];

(b) except as otherwise provided in subsection (5) or (6), the department may not seek criminal prosecution against the taxpayer for the tax year underreporting and underpayment with respect to tax evasion transactions for which the taxpayer voluntarily complies;

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(c) a penalty may not be waived under this section if the penalty imposed relates to an amount of Montana income or corporation license tax assessed or paid prior to September 1, 2007;

(d) the fact a taxpayer participated in the program may not be considered evidence the taxpayer engaged in a tax evasion transaction;

(e) any penalties that are not waived are considered assessed upon the due date of the return, determined without regard to extensions, upon which the amount should have been paid;

(f) the taxpayer may file a claim for credit or refund as provided in Title 15, chapter 30 or 31, with respect to the tax year; and

(g) notwithstanding 15-1-211, the taxpayer may not file an appeal until after either of the following:

(i) the department issues a final determination with respect to the transactions at issue; or

(ii) the earlier of:

(A) the date that is 180 days after the date of a final determination by the internal revenue service with respect to the transactions at issue; or

(B) the date that is 4 years after the date that the claim for refund was filed or 1 year after the full payment of all Montana income or corporation license tax, including penalty and interest.

(5) The provisions of 15-1-211(2)(c) and (4)(c) and 15-2-302(2) do not apply to claims filed under this section.

(6) The department may enter into an installment payment agreement in lieu of full payment of the entire amount of Montana income or corporation license tax and interest due for the tax year that is attributable to the use of the tax evasion transaction. Any installment payment agreement authorized by this subsection must include interest on the unpaid amount at the rate prescribed by 15-1-216. Failure by the taxpayer to fully comply with the terms of the installment payment agreement renders the waiver of penalties void, and the total amount of tax, interest, and all penalties is immediately due and payable.

(7) After December 31, 2007, the department may issue a deficiency assessment upon an amended return filed by an eligible taxpayer, impose penalties, or initiate criminal action with respect to the difference between the amount shown on that return and the correct amount of tax. The penalty relief provided in subsection (3) or (4) does not apply to any portion of the underpayment attributable to a tax evasion transaction not paid to the state.

(8) Any correspondence mailed by the department to a taxpayer at the taxpayer's last-known address outlining the program constitutes a contact for purposes of [section 27(9)].

(9) (a) In addition to any other authority to examine returns for the purpose of improving state tax administration, the department may inquire into the facts and circumstances related to the use of tax evasion transactions to underreport the tax liabilities for which a taxpayer has participated in the program under [sections 38 through 40].

(b) A taxpayer shall cooperate fully with inquiries described in subsection (9)(a).

(c) Failure by a taxpayer to fully cooperate in an inquiry described in subsection (9)(a) renders the waiver of penalties under [sections 38 through 40] void, and the taxpayer may be assessed any penalties that may apply."

**Insert: "NEW SECTION. Section 41. Short title.** [Sections 41 through 46] may be cited as the "Montana Real Estate Backup Withholding Act".

**Insert: "NEW SECTION. Section 42. Definitions.** As used in [sections 41 through 46], the following definitions apply:

(1) "Certified calculated gain" means the gain the transferor certifies in writing to the department, under penalty of false swearing as provided in 45-7-202, that the transferor will realize on a disposition of Montana real estate.

(2) "Improvements" has the meaning provided in 15-1-101.

(3) "Montana real estate" means real estate or improvements located in Montana.

(4) "Principal residence" means a principal residence within the meaning of section 121 of the Internal Revenue Code, 26 U.S.C. 121.

(5) "Real estate" has the meaning provided in 15-1-101.

(6) "Sales price" means the total consideration for the transfer of Montana real estate, including the market value of any property transferred to the transferor, and any liability assumed or taken subject to the sales price.

(7) "Transferor" means any person or entity disposing of Montana real estate."

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**Insert: "NEW SECTION. Section 43. Withholding required on sale or exchange of Montana real estate -- rate.** Except as provided in [section 44], there must be withheld from the proceeds from a sale or exchange of Montana real estate an amount equal to the lesser of:

- (1) 2.5% of the sales price of the Montana real estate conveyed; or
- (2) the amount of the transferor's certified calculated gain multiplied by the highest rate of tax provided for in 15-30-103."

**Insert: "NEW SECTION. Section 44. Withholding -- application not required.** Withholding is not required on the transfer of Montana real estate under the provisions of [section 43] if:

- (1) the sales price of the Montana real estate conveyed is less than \$100,000;
- (2) the transfer occurs:
  - (a) pursuant to a power of sale under a mortgage or deed of trust;
  - (b) as the result of a decree of foreclosure; or
  - (c) by deed in lieu of foreclosure; or
- (3) the transferor establishes that:
  - (a) the transferor is an individual who is a Montana resident;
  - (b) the Montana real estate being transferred is the principal residence of the transferor or was the principal residence of a decedent;
  - (c) the last use of the property being transferred was by the transferor as the transferor's principal residence;
  - (d) the Montana real estate has been compulsorily or involuntarily converted within the meaning of section 1033 of the Internal Revenue Code, 26 U.S.C. 1033, and the transferor intends to acquire property similar or related in service or use so that the gain is not recognized under the provisions of section 1033 of the Internal Revenue Code, 26 U.S.C. 1033;
  - (e) the Montana real estate is being relinquished in an exchange in which gain and loss is not recognized pursuant to section 1031 of the Internal Revenue Code, 26 U.S.C. 1031; or
  - (f) the transferor is a corporation, a pass-through entity, or a disregarded entity incorporated or organized under the laws of the state of Montana."

**Insert: "NEW SECTION. Section 45. Reporting and remittance.** (1) The transferor shall report to the department under oath, on a form prescribed by the department, all information necessary to compute the amount withheld pursuant to [section 43] or to establish that the transferor is not required to withhold pursuant to [section 44].

(2) Within 5 business days of closing on the sale or exchange of Montana real estate, the transferor shall file the report and remit the amount withheld, if any, to the department.

(3) A copy of the report and a copy of the payment, if any, for withholding must be attached to the realty transfer certificate required by 15-7-305. The county clerk and recorder may not record any deed or other instrument transferring title to Montana real estate if the copies required by this section are not provided.

(4) The department may not change any ownership records used for the assessment or taxation of Montana real estate unless the copies required by subsection (3) are attached to the realty transfer certificate.

(5) Any amount required to be paid pursuant to [section 43] and remitted to the department pursuant to this section is considered a payment on the account of the transferor for the purposes of individual income tax under Title 15, chapter 30, or for the purposes of the corporation license tax or corporation income tax under Title 15, chapter 31. If the transferor is a pass-through entity, the payment is considered a payment on the account of the pass-through entity's shareholders, partners, or members, as applicable."

**Insert: "NEW SECTION. Section 46. Rulemaking authority.** The department shall adopt rules to implement and administer [sections 41 through 46]."

**Insert: "Section 47.** Section 7-4-2623, MCA, is amended to read:

**"7-4-2623. Liability of clerk relating to duties as recorder.** A county clerk is liable to the party aggrieved for three times the amount of the damages that may result and is punishable as provided in this code if the county clerk to whom an instrument is delivered for record:

- (1) neglects or refuses to record the instrument within reasonable time after receipt except when the

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information required by law to record the instrument is not provided;

- (2) falsely records an instrument or records an instrument in any other manner than as directed in this part;
- (3) neglects or refuses to keep in the clerk's office indexes that are required by this part or to make the proper entries in the indexes; or
- (4) alters, changes, or obliterates any records deposited in the clerk's office or inserts any new matter in the records."

**Insert: "Section 48.** Section 7-6-1502, MCA, is amended to read:

**"7-6-1502. Resort community taxing authority -- specific delegation -- limitation.** As required by 7-1-112 and subject to subsection (2) of this section, 7-6-1501 through 7-6-1507 specifically delegate to the electors of each respective resort community the power to authorize their municipality to impose a resort tax within the corporate boundary of the municipality as provided in 7-6-1501 through 7-6-1507.

(2) The power delegated in subsection (1) does not include the power to require an intermediary, as defined in 15-65-101 or 15-68-101, to collect or remit the resort tax."

**Insert: "Section 49.** Section 7-6-1505, MCA, is amended to read:

**"7-6-1505. Resort tax administration -- intermediary not required to collect tax.** (1) In this section, "governing body" means:

- (a) the governing body of a resort community;
  - (b) if the resort tax has been approved by the electors of a resort area, the board of county commissioners;
- or

- (c) if the electors of the resort area establish a resort area district, the district board of directors.

(2) Not less than 30 days prior to the date that the resort tax becomes effective, the governing body shall enact an administrative ordinance governing the collection and reporting of the resort taxes. This administrative ordinance may be amended at any time as may be necessary to effectively administer the resort tax.

(3) The administrative ordinance must specify:

- (a) the times that taxes collected by businesses are to be remitted to the governing body;
- (b) the office, officer, or employee of the governing body responsible for receiving and accounting for the resort tax receipts;

(c) the office, officer, or employee of the governing body responsible for enforcing the collection of resort taxes and the methods and procedures to be used in enforcing the collection of resort taxes due; and

(d) the penalties for failure to report taxes due, failure to remit taxes due, and violations of the administrative ordinance. The penalties may include:

- (i) criminal penalties not to exceed a fine of \$1,000 or 6 months' imprisonment, or both;
- (ii) civil penalties if the governing body prevails in a suit for the collection of resort taxes, not to exceed 50% of the resort taxes found due plus the costs and attorney fees incurred by the governing body in the action;
- (iii) revocation of a county or municipal business license held by the offender; and
- (iv) any other penalties that may be applicable for violation of an ordinance.

(4) The administrative ordinance may include:

(a) further clarification and specificity in the categories of goods and services that are subject to the resort tax consistent with 7-6-1503;

(b) authorization for business administration and prepayment discounts. The discount authorization may allow each vendor and commercial establishment to:

(i) withhold up to 5% of the resort taxes collected to defray their costs for the administration of the tax collection; or

(ii) receive a refund of up to 5% of the resort tax payment received from them by the governing body 10 days prior to the collection due date established by the administrative ordinance.

(c) other administrative details necessary for the efficient and effective administration of the tax.

(5) The governing body of a resort area or the board of county commissioners on behalf of a resort district may not require an intermediary, as defined in 15-65-101 or 15-68-101, to collect or remit the resort area tax."

**Insert: "Section 50.** Section 15-1-102, MCA, is amended to read:

**"15-1-102. Person defined.** As used in this title, (except chapters 30 and 31), unless the context indicates

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otherwise, the term "person" means an individual, corporation, ~~(domestic or foreign)~~, partnership, disregarded entity as defined in 15-30-101, association, joint-stock company, or syndicate."

**Renumber:** subsequent sections

5. Page 2, line 26.

**Strike:** "shall"

**Insert:** "may"

6. Page 2, line 30.

**Strike:** "shall"

**Insert:** "may"

7. Page 3.

**Following:** line 1

**Insert:** "(4) (a) Unless otherwise provided by law and except as provided in subsection (4)(b), upon written request of the department, state agencies shall provide to the department relevant taxpayer information in their possession.

(b) Unless otherwise provided by law, confidential criminal justice information, as defined in 44-5-103, in the possession of a state agency that may be evidence of fraud pursuant to 15-1-216 must be provided to the appropriate department personnel.

(5) Unless otherwise provided by law, the department may exchange updated taxpayer name and address information with other state agencies."

**Insert:** "Section 52. Section 15-1-216, MCA, is amended to read:

**"15-1-216. Uniform penalty and interest assessments for violation of tax provisions -- applicability -- exceptions -- uniform provision for interest on overpayments.** (1) A person who fails to file a required tax return or other report with the department by the due date, including any extension of time, of the return or report must be assessed a late filing penalty of \$50 or the amount of the tax due, whichever is less.

(2) (a) (i) Except as provided in ~~subsection~~ subsections (2)(a)(ii) and (2)(b), a person who fails to pay a tax when due must be assessed a late payment penalty of ~~1.2%~~ 1% a month ~~or fraction of a month~~ on the unpaid tax. The penalty may not exceed 12% of the tax due.

(ii) A penalty under this subsection (2)(a) may not be imposed on a taxpayer subject to taxation under 15-30-103 if, subject to the conditions of 15-30-241(1)(a)(i), the taxpayer pays, when due, at least 90% of the tax for the current year.

(b) A person who fails to pay a tax when due under chapter 30, part 2, chapter 53, chapter 65, or chapter 68 must be assessed a late payment penalty of 1.5% a month ~~or fraction of a month~~ on the unpaid tax. The penalty may not exceed 15% of the tax due.

(c) The penalties provided in subsections (2)(a) and (2)(b) on delinquent taxes and on deficiency assessments are computed from the original due date of the return until the tax is paid. The penalty accrues daily on the unpaid tax from the original due date of the return regardless of whether the taxpayer has received an extension of time for filing the return.

(d) (i) There is a penalty for substantial understatement of income tax liability under chapter 30, part 1, for any tax year if the amount of the understatement for the tax year exceeds the greater of 10% of the tax required to be shown on the return for the tax year or \$2,500.

(ii) There is a penalty for substantial understatement of tax liability under those taxes and matters subject to 15-1-211(1)(a), except chapter 30, part 1, for any tax year if the amount of the understatement for the tax year exceeds the lesser of 10% of the tax required to be shown on the return for the tax year or \$500,000.

(iii) Except as provided in subsection (2)(d)(iv), the penalty for substantial underpayment of tax liability must be assessed at 20% of the portion of the underpayment to which this section applies.

(iv) The penalty for substantial underpayment of tax liability due to fraud, as defined in section 7206 of the Internal Revenue Code, 26 U.S.C. 7206, must be assessed at 75% of the portion of the underpayment to which

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this section applies.

~~(c) The penalty imposed under subsection (2)(a) or (2)(b) accrues on the unpaid tax from the original due date of the return regardless of whether the taxpayer has received an extension of time for filing a return.~~

(3) A person who purposely or knowingly, as those terms are defined in 45-2-101, or fraudulently, as described in section 7206 of the Internal Revenue Code, 26 U.S.C. 7206, fails to file a return when due or fails to file a return within 60 days after receiving written notice from the department that a return must be filed is liable for an additional penalty of not less than ~~\$1,000 or more than \$10,000~~ the greater of \$1,000 or 15% of the tax liability a month. The penalty may not exceed 75% of the tax liability. The department may bring an action in the name of the state to recover the penalty and any delinquent taxes.

(4) (a) An individual who purposely or knowingly files, renders, or signs a false or fraudulent return or purposely or knowingly supplies false or fraudulent information with respect to a return, report, or investigation is guilty of a felony and upon conviction shall be fined not more than \$20,000, imprisoned for not more than 5 years, or both.

(b) A corporation, partnership, or other entity, an officer or employee of a corporation, or a member or employee of a partnership or other entity that purposely or knowingly files, renders, or signs a false or fraudulent return or purposely or knowingly supplies false or fraudulent information with respect to a return, report, or investigation is guilty of a felony and upon conviction shall be fined not more than \$50,000, imprisoned for not more than 5 years, or both.

~~(4)(5)~~ (a) Interest on taxes not paid when due must be assessed by the department. The department shall determine the interest rates established under subsection ~~(4)(a)(i)~~ (5)(a)(i) for each calendar year by rule subject to the conditions of this subsection ~~(4)(a)~~ (5)(a). Interest rates on taxes not paid when due for a calendar year are as follows:

(i) For individual income taxes not paid when due, including delinquent taxes and deficiency assessments, the interest rate is equal to the underpayment rate for individual taxpayers established by the secretary of the United States department of the treasury pursuant to section 6621 of the Internal Revenue Code, 26 U.S.C. 6621, for the fourth quarter of the preceding year ~~or 8%, whichever is greater.~~

(ii) For all taxes other than individual income taxes not paid when due, including delinquent taxes and deficiency assessments, the interest rate is 12% a year.

(b) Interest on delinquent taxes and on deficiency assessments is computed from the original due date of the return until the tax is paid. Interest accrues daily on the unpaid tax from the original due date of the return regardless of whether the taxpayer has received an extension of time for filing the return.

~~(5)(6)~~ (a) Except as provided in subsection ~~(5)(b)~~ (6)(b), this section applies to taxes, fees, and other assessments imposed under Titles 15 and 16 [and 85-2-276].

(b) This section does not apply to:

(i) property taxes; or

(ii) gasoline and vehicle fuel taxes collected by the department of transportation pursuant to Title 15, chapter 70.

~~(6)(7)~~ Any changes to interest rates apply to any current outstanding tax balance, regardless of the rate in effect at the time the tax accrued.

~~(7)(8)~~ Penalty and interest must be calculated and assessed commencing with the due date of the return.

~~(8)(9)~~ Deficiency assessments are due and payable 30 days from the date of the deficiency assessment.

~~(9)(10)~~ Interest allowed for the overpayment of taxes or fees is the same rate as is charged for unpaid or delinquent taxes. For the purposes of this subsection, interest charged for unpaid or delinquent taxes is the interest rate determined in subsection ~~(4)(a)(i)~~ (5)(a)(i) or (5)(a)(ii), as applicable. (Bracketed language in subsection ~~(5)(a)~~ (6)(a) terminates June 30, 2020--sec. 18, Ch. 288, L. 2005.)"

**Insert: "Section 53.** Section 15-1-706, MCA, is amended to read:

**"15-1-706. Execution upon warrant.** (1) Upon receipt of a copy of the filed warrant and notice from the department that the applicable hearing provisions have been complied with, the sheriff or agent authorized to collect the tax shall proceed to execute upon the warrant in the same manner as prescribed for execution upon a judgment. The sheriff is entitled to fees or compensation as provided by law incurred in executing upon the judgment. The amount of the fees or compensation must be added to the amount of the warrant.

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(2) A notice of levy may be made by electronic means ~~of a~~ or by certified letter by an agent authorized to collect the tax. An agent is not entitled to any fee or compensation in excess of actual expenses incurred in enforcing the warrant.

(3) When issued, a notice of levy has the same force and effect as a writ of execution. A levy upon earnings continues in effect for 120 days or until the judgment is satisfied, whichever occurs first. The levy applies to ~~all pay periods beginning during the 120-day period~~ earnings due on or after the date of service of the notice of levy through the expiration of the levy.

(4) A sheriff or agent shall return a warrant, along with any funds collected, within ~~90~~ 120 days of the date of the warrant.

(5) If the warrant is returned not satisfied in full, the department has the same remedies to collect the deficiency as are available for any civil judgment. ""

**Insert: "Section 54.** Section 15-6-135, MCA, is amended to read:

**"15-6-135. Class five property -- description -- taxable percentage.** (1) Class five property includes:

(a) all property used and owned by cooperative rural electrical and cooperative rural telephone associations organized under the laws of Montana, except property owned by cooperative organizations described in 15-6-137(1)(a);

(b) air and water pollution control equipment as defined in this section;

(c) new industrial property as defined in this section;

(d) any personal or real property used primarily in the production of gasohol during construction and for the first 3 years of its operation;

(e) all land and improvements and all personal property owned by a research and development firm, provided that the property is actively devoted to research and development;

(f) machinery and equipment used in electrolytic reduction facilities;

(g) all property used and owned by persons, firms, corporations, or other organizations that are engaged in the business of furnishing telecommunications services exclusively to rural areas or to rural areas and cities and towns of ~~1,200~~ 5,000 permanent residents or less.

(2) (a) "Air and water pollution control equipment" means that portion of identifiable property, facilities, machinery, devices, or equipment designed, constructed, under construction, or operated for removing, disposing, abating, treating, eliminating, destroying, neutralizing, stabilizing, rendering inert, storing, or preventing the creation of air or water pollutants that, except for the use of the item, would be released to the environment. Reduction in pollutants obtained through operational techniques without specific facilities, machinery, devices, or equipment is not eligible for certification under this section.

(b) Requests for certification must be made on forms available from the department of revenue. Certification may not be granted unless the applicant is in substantial compliance with all applicable rules, laws, orders, or permit conditions. Certification remains in effect only as long as substantial compliance continues.

(c) The department of environmental quality shall promulgate rules specifying procedures, including timeframes for certification application, and definitions necessary to identify air and water pollution control equipment for certification and compliance. The department of revenue shall promulgate rules pertaining to the valuation of qualifying air and water pollution control equipment. The department of environmental quality shall identify and track compliance in the use of certified air and water pollution control equipment and report continuous acts or patterns of noncompliance at a facility to the department of revenue. Casual or isolated incidents of noncompliance at a facility do not affect certification.

(d) A person may appeal the certification, classification, and valuation of the property to the state tax appeal board. Appeals on the property certification must name the department of environmental quality as the respondent, and appeals on the classification or valuation of the equipment must name the department of revenue as the respondent.

(3) (a) "New industrial property" means any new industrial plant, including land, buildings, machinery, and fixtures, used by new industries during the first 3 years of their operation. The property may not have been assessed within the state of Montana prior to July 1, 1961.

(b) New industrial property does not include:

(i) property used by retail or wholesale merchants, commercial services of any type, agriculture, trades,

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or professions unless the business or profession meets the requirements of subsection (4)(b)(v);

(ii) a plant that will create adverse impact on existing state, county, or municipal services; or

(iii) property used or employed in an industrial plant that has been in operation in this state for 3 years or longer.

(4) Fifty percent of the market value of new rural telecommunication property is exempt from tax for the tax year the property is placed in service and for the nine succeeding tax years. As used in this subsection, "new rural telecommunication property" means property included in subsection (1)(g) that is placed in service after January 1, 2007.

~~(4)~~(5) (a) "New industry" means any person, corporation, firm, partnership, association, or other group that establishes a new plant in Montana for the operation of a new industrial endeavor, as distinguished from a mere expansion, reorganization, or merger of an existing industry.

(b) New industry includes only those industries that:

(i) manufacture, mill, mine, produce, process, or fabricate materials;

(ii) do similar work, employing capital and labor, in which materials unserviceable in their natural state are extracted, processed, or made fit for use or are substantially altered or treated so as to create commercial products or materials;

(iii) engage in the mechanical or chemical transformation of materials or substances into new products in the manner defined as manufacturing in the North American Industry Classification System Manual prepared by the United States office of management and budget;

(iv) engage in the transportation, warehousing, or distribution of commercial products or materials if 50% or more of an industry's gross sales or receipts are earned from outside the state; or

(v) earn 50% or more of their annual gross income from out-of-state sales.

~~(5)~~(6) Class five property is taxed at 3% of its market value."

**Insert: "Section 55.** Section 15-6-138, MCA, is amended to read:

**"15-6-138. Class eight property -- description -- taxable percentage.** (1) Class eight property includes:

(a) all agricultural implements and equipment that are not exempt under 15-6-207 or 15-6-220;

(b) all mining machinery, fixtures, equipment, tools that are not exempt under 15-6-219, and supplies except those included in class five;

(c) all oil and gas production machinery, fixtures, equipment, including pumping units, oil field storage tanks, water storage tanks, water disposal injection pumps, gas compressor and dehydrator units, communication towers, gas metering shacks, treaters, gas separators, water flood units, gas boosters, and similar equipment that is skidable, portable, or movable, tools that are not exempt under 15-6-219, and supplies except those included in class five;

(d) all manufacturing machinery, fixtures, equipment, tools, except a certain value of hand-held tools and personal property related to space vehicles, ethanol manufacturing, and industrial dairies and milk processors as provided in 15-6-220, and supplies except those included in class five;

(e) all goods and equipment that are intended for rent or lease, except goods and equipment that are specifically included and taxed in another class;

(f) special mobile equipment as defined in 61-1-101;

(g) furniture, fixtures, and equipment, except that specifically included in another class, used in commercial establishments as defined in this section;

(h) x-ray and medical and dental equipment;

(i) citizens' band radios and mobile telephones;

(j) radio and television broadcasting and transmitting equipment;

(k) cable television systems;

(l) coal and ore haulers;

(m) theater projectors and sound equipment; and

(n) all other property that is not included in any other class in this part, except that property that is subject to a fee in lieu of a property tax.

(2) As used in this section, "coal and ore haulers" means nonhighway vehicles that exceed 18,000 pounds an axle and that are primarily designed and used to transport coal, ore, or other earthen material in a mining or



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quarrying environment.

(3) "Commercial establishment" includes any hotel, motel, office, petroleum marketing station, or service, wholesale, retail, or food-handling business.

(4) Class eight property is taxed at 3% of its market value.

(5) (a) The first \$80,000 of market value of class eight property of a person owned by an individual or business entity that owns an aggregate of \$20,000 or less in market value of class eight property is exempt from taxation.

(b) (i) The department shall, by rule, establish reporting requirements that would not allow multiple business identities to be formed to obtain multiple exemption thresholds for what are functionally single businesses. The rules may require individual and taxpayer identification numbers for pass-through entities, as defined in 15-30-101, and their owners, partners, and officers to allow the department to track exemptions through the entities.

(ii) Whenever one member of a firm or one of the proper officers of a corporation has made a statement showing the property of the firm or corporation, another member of the firm or another officer is not required to include the property in that person's statement but the statement must show the name of the person or officer who made the statement in which the property is included.

(iii) The fact that a statement is not required or that a person has not made a statement, under oath or otherwise, does not relieve the person's property from taxation."

**Insert: "Section 56.** Section 15-6-219, MCA, is amended to read:

**"15-6-219. Personal and other property exemptions.** The following categories of property are exempt from taxation:

(1) items of personal property with a market value of less than \$100;

~~(+)(2)~~ harness, saddlery, and other tack equipment;

~~(2)(3)~~ the first \$15,000 or less of market value of tools owned by the taxpayer that are customarily hand-held and that are used to:

(a) construct, repair, and maintain improvements to real property; or

(b) repair and maintain machinery, equipment, appliances, or other personal property;

~~(3)(4)~~ all household goods and furniture, including but not limited to clocks, musical instruments, sewing machines, and wearing apparel of members of the family, used by the owner for personal and domestic purposes or for furnishing or equipping the family residence;

~~(4)(5)~~ a bicycle, as defined in 61-8-102, used by the owner for personal transportation purposes;

~~(5)(6)~~ items of personal property intended for rent or lease in the ordinary course of business if each item of personal property satisfies all of the following:

(a) the acquired cost of the personal property is less than \$15,000;

(b) the personal property is owned by a business whose primary business income is from rental or lease of personal property to individuals and no one customer of the business accounts for more than 10% of the total rentals or leases during a calendar year; and

(c) the lease of the personal property is generally on an hourly, daily, or weekly basis;

~~(6)(7)~~ space vehicles and all machinery, fixtures, equipment, and tools used in the design, manufacture, launch, repair, and maintenance of space vehicles that are owned by businesses engaged in manufacturing and launching space vehicles in the state or that are owned by a contractor or subcontractor of that business and that are directly used for space vehicle design, manufacture, launch, repair, and maintenance; and

~~(7)(8)~~ a title plant owned by a title insurer or a title insurance producer, as those terms are defined in 33-25-105."

**Insert: "Section 57.** Section 15-23-101, MCA, is amended to read:

**"15-23-101. Properties centrally assessed.** The department shall centrally assess each year:

(1) the railroad transportation property of railroads and railroad car companies operating in more than one county in the state or more than one state;

(2) property owned by a corporation or other person operating a single and continuous property operated in more than one county or more than one state, including but not limited to telegraph, telephone (including commercial mobile radio service as defined in 47 CFR 20.3), microwave, and electric power or transmission lines; natural gas or oil pipelines; canals, ditches, flumes, or like properties and including, if congress passes legislation

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that allows the state to tax property owned by an agency created by congress to transmit or distribute electrical energy, property constructed, owned, or operated by a public agency created by congress to transmit or distribute electrical energy produced at privately owned generating facilities, not including rural electric cooperatives;

- (3) all property of scheduled airlines;
- (4) the net proceeds of mines, except bentonite mines;
- (5) the gross proceeds of coal mines; and
- (6) property described in subsections (1) and (2) that is subject to the provisions of Title 15, chapter 24, part 12."

**Insert: "Section 58.** Section 15-30-101, MCA, is amended to read:

**"15-30-101. Definitions.** For the purpose of this chapter, unless otherwise required by the context, the following definitions apply:

- (1) "Base year structure" means the following elements of the income tax structure:
  - (a) the tax brackets established in 15-30-103, but unadjusted by 15-30-103(2), in effect on June 30 of the taxable tax year;
  - (b) the exemptions contained in 15-30-112, but unadjusted by 15-30-112(6), in effect on June 30 of the taxable tax year;
  - (c) the maximum standard deduction provided in 15-30-122, but unadjusted by 15-30-122(2), in effect on June 30 of the taxable tax year.
- (2) "Consumer price index" means the consumer price index, United States city average, for all items, for all urban consumers (CPI-U), using the 1982-84 base of 100, as published by the bureau of labor statistics of the U.S. department of labor.
- (3) "Corporation" or "C. corporation" means a corporation, limited liability company, or other entity:
  - (a) that is treated as an association for federal income tax purposes;
  - (b) for which a valid election under section 1362 of the Internal Revenue Code, ~~{26 U.S.C. 1362}~~ is not in effect; and
  - (c) that is not a disregarded entity.
- (4) "Department" means the department of revenue.
- (5) "Disregarded entity" means ~~a business entity~~:
  - (a) a business entity that is disregarded as an entity separate from its owner for federal tax purposes, as provided in United States treasury regulations 301.7701-2 or 301.7701-3, 26 CFR 301.7701-2 or 26 CFR 301.7701-3, or as those regulations may be labeled or amended; ~~or~~
  - (b) ~~that is~~ a qualified subchapter S. subsidiary that is not treated as a separate corporation, as provided in section 1361(b)(3) of the Internal Revenue Code, ~~{26 U.S.C. 1361(b)(3)}~~;
  - (c) a grantor trust; or
  - (d) a qualified real estate investment trust subsidiary that is not treated as a separate corporation as provided in section 856 of the Internal Revenue Code, 26 U.S.C. 856.
- (6) "Dividend" means:
  - (a) any distribution made by a C. corporation out of its earnings and profits to its shareholders or members, whether in cash or in other property or in stock of the corporation, other than stock dividends; and
  - (b) any distribution made by an S. corporation treated as a dividend for federal income tax purposes.
- (7) "Fiduciary" means a guardian, trustee, executor, administrator, receiver, conservator, or any person, whether individual or corporate, acting in any fiduciary capacity for any person, trust, or estate.
- (8) "Foreign C. corporation" means a corporation that is not engaged in or doing business in Montana, as provided in 15-31-101.
- (9) "Foreign government" means any jurisdiction other than the one embraced within the United States, its territories, and its possessions.
- (10) "Grantor trust" means a trust any portion for which the grantor or another person is treated as owner as provided in Chapter 1, Subchapter J, Part I, Subpart E, of the Internal Revenue Code, 26 U.S.C. 671, et seq.
- ~~(10)(11)~~ (11) "Gross income" means the taxpayer's gross income for federal income tax purposes as defined in section 61 of the Internal Revenue Code, ~~{26 U.S.C. 61}~~ or as that section may be labeled or amended, excluding unemployment compensation included in federal gross income under the provisions of section 85 of the Internal

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Revenue Code, §26 U.S.C. 85) as amended.

~~(11)~~(12) "Inflation factor" means a number determined for each tax year by dividing the consumer price index for June of the tax year by the consumer price index for June 2005.

~~(12)~~(13) "Information agents" includes all individuals and entities acting in whatever capacity, including lessees or mortgagors of real or personal property, fiduciaries, brokers, real estate brokers, employers, and all officers and employees of the state or of any municipal corporation or political subdivision of the state, having the control, receipt, custody, disposal, or payment of interest, rent, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable annual or periodical gains, profits, and income with respect to which any person or fiduciary is taxable under this chapter.

~~(13)~~(14) "Internal Revenue Code" means the Internal Revenue Code of 1986, as amended, or as it may be labeled or further amended. References to specific provisions of the Internal Revenue Code mean those provisions as they may be otherwise labeled or further amended.

~~(14)~~(15) "Knowingly" is as defined in 45-2-101.

~~(15)~~(16) "Limited liability company" means a limited liability company, domestic limited liability company, or a foreign limited liability company as defined in 35-8-102.

~~(16)~~(17) "Limited liability partnership" means a limited liability partnership as defined in 35-10-102.

~~(17)~~(18) "Lottery winnings" means income paid either in lump sum or in periodic payments to:

(a) a resident taxpayer on a lottery ticket; or

(b) a nonresident taxpayer on a lottery ticket purchased in Montana.

~~(18)~~(19) (a) "Montana source income" means:

(i) wages, salary, tips, and other compensation for services performed in the state or while a resident of the state;

(ii) gain attributable to the sale or other transfer of tangible property located in the state, sold or otherwise transferred while a resident of the state, or used or held in connection with a trade, business, or occupation carried on in the state;

(iii) gain attributable to the sale or other transfer of intangible property received or accrued while a resident of the state;

(iv) interest received or accrued while a resident of the state or from an installment sale of real property or tangible commercial or business personal property located in the state;

(v) dividends received or accrued while a resident of the state;

(vi) net income or loss derived from a trade, business, profession, or occupation carried on in the state or while a resident of the state;

(vii) net income or loss derived from farming activities carried on in the state or while a resident of the state;

(viii) net rents from real property and tangible personal property located in the state or received or accrued while a resident of the state;

(ix) net royalties from real property and from tangible real property to the extent the property is used in the state or the net royalties are received or accrued while a resident of the state. The extent of use in the state is determined by multiplying the royalties by a fraction, the numerator of which is the number of days of physical location of the property in the state during the royalty period in the tax year and the denominator of which is the number of days of physical location of the property everywhere during all royalty periods in the tax year. If the physical location is unknown or unascertainable by the taxpayer, the property is considered used in the state in which it was located at the time the person paying the royalty obtained possession.

(x) patent royalties to the extent the person paying them employs the patent in production, fabrication, manufacturing, or other processing in the state, a patented product is produced in the state, or the royalties are received or accrued while a resident of the state;

(xi) net copyright royalties to the extent printing or other publication originates in the state or the royalties are received or accrued while a resident of the state;

(xii) partnership income, gain, loss, deduction, or credit or item of income, gain, loss, deduction, or credit:

(A) derived from a trade, business, occupation, or profession carried on in the state;

(B) derived from the sale or other transfer or the rental, lease, or other commercial exploitation of property located in the state; or

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- (C) taken into account while a resident of the state;
  - (xiii) an S. corporation's separately and nonseparately stated income, gain, loss, deduction, or credit or item of income, gain, loss, deduction, or credit:
    - (A) derived from a trade, business, occupation, or profession carried on in the state;
    - (B) derived from the sale or other transfer or the rental, lease, or other commercial exploitation of property located in the state; or
    - (C) taken into account while a resident of the state;
  - (xiv) social security benefits received or accrued while a resident of the state;
  - (xv) taxable individual retirement account distributions, annuities, pensions, and other retirement benefits received while a resident of the state; and
  - (xvi) any other income attributable to the state, including but not limited to lottery winnings, state and federal tax refunds, nonemployee compensation, recapture of tax benefits, and capital loss addbacks.
- (b) The term does not include:
- (i) compensation for military service of members of the armed services of the United States who are not Montana residents and who are residing in Montana solely by reason of compliance with military orders and does not include income derived from their personal property located in the state except with respect to personal property used in or arising from a trade or business carried on in Montana; or
  - (ii) interest paid on loans held by out-of-state financial institutions recognized as such in the state of their domicile, secured by mortgages, trust indentures, or other security interests on real or personal property located in the state, if the loan is originated by a lender doing business in Montana and assigned out-of-state and there is no activity conducted by the out-of-state lender in Montana except periodic inspection of the security.
- ~~(19)~~(20) "Net income" means the adjusted gross income of a taxpayer less the deductions allowed by this chapter.
- ~~(20)~~(21) "Nonresident" means a natural person who is not a resident.
- ~~(21)~~(22) "Paid", for the purposes of the deductions and credits under this chapter, means paid or accrued or paid or incurred, and the terms "paid or accrued" and "paid or incurred" must be construed according to the method of accounting upon the basis of which the taxable income is computed under this chapter.
- ~~(22)~~(23) "Partner" means a member of a partnership or a manager or member of any other entity, if treated as a partner for federal income tax purposes.
- ~~(23)~~(24) "Partnership" means a general or limited partnership, limited liability partnership, limited liability company, or other entity, if treated as a partnership for federal income tax purposes.
- ~~(24)~~(25) "Pass-through entity" means a partnership, an S. corporation, or a disregarded entity.
- ~~(25)~~(26) "Pension and annuity income" means:
- (a) systematic payments of a definitely determinable amount from a qualified pension plan, as that term is used in section 401 of the Internal Revenue Code, 26 U.S.C. 401, or systematic payments received as the result of contributions made to a qualified pension plan that are paid to the recipient or recipient's beneficiary upon the cessation of employment;
  - (b) payments received as the result of past service and cessation of employment in the uniformed services of the United States;
  - (c) lump-sum distributions from pension or profit-sharing plans to the extent that the distributions are included in federal adjusted gross income;
  - (d) distributions from individual retirement, deferred compensation, and self-employed retirement plans recognized under sections 401 through 408 of the Internal Revenue Code, 26 U.S.C. 401 through 408, to the extent that the distributions are not considered to be premature distributions for federal income tax purposes; or
  - (e) amounts received from fully matured, privately purchased annuity contracts after cessation of regular employment.
- ~~(26)~~(27) "Purposely" is as defined in 45-2-101.
- (28) "Real estate investment trust" means a real estate investment trust as defined in section 856 of the Internal Revenue Code, 26 U.S.C. 856.
- ~~(27)~~(29) "Received", for the purpose of computation of taxable income under this chapter, means received or accrued, and the term "received or accrued" must be construed according to the method of accounting upon the

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basis of which the taxable income is computed under this chapter.

~~(28)~~(30) "Resident" applies only to natural persons and includes, for the purpose of determining liability to the tax imposed by this chapter with reference to the income of any taxable year, any person domiciled in the state of Montana and any other person who maintains a permanent place of abode within the state even though temporarily absent from the state and who has not established a residence elsewhere.

~~(29)~~(31) "S. corporation" means an incorporated entity for which a valid election under section 1362 of the Internal Revenue Code, ~~26 U.S.C. 1362~~, is in effect.

~~(30)~~(32) "Stock dividends" means new stock issued, for surplus or profits capitalized, to shareholders in proportion to their previous holdings.

~~(31)~~(33) "Tax year" means the taxpayer's taxable year for federal income tax purposes.

~~(32)~~(34) "Taxable income" means the adjusted gross income of a taxpayer less the deductions and exemptions provided for in this chapter.

~~(33)~~(35) "Taxpayer" includes any person, entity, or fiduciary, resident or nonresident, subject to a tax or other obligation imposed by this chapter and unless otherwise specifically provided does not include a C. corporation."

**"Section 59.** Section 15-30-111, MCA, is amended to read:

**"15-30-111. Adjusted gross income.** (1) Adjusted gross income is the taxpayer's federal adjusted gross income as defined in section 62 of the Internal Revenue Code, 26 U.S.C. 62, and in addition includes the following:

(a) (i) interest received on obligations of another state or territory or county, municipality, district, or other political subdivision of another state, except to the extent that the interest is exempt from taxation by Montana under federal law;

(ii) exempt-interest dividends as defined in section 852(b)(5) of the Internal Revenue Code, 26 U.S.C. 852(b)(5), that are attributable to the interest referred to in subsection (1)(a)(i);

(b) refunds received of federal income tax, to the extent that the deduction of the tax resulted in a reduction of Montana income tax liability;

(c) that portion of a shareholder's income under subchapter S. of Chapter 1 of the Internal Revenue Code that has been reduced by any federal taxes paid by the subchapter S. corporation on the income;

(d) depreciation or amortization taken on a title plant as defined in 33-25-105;

(e) the recovery during the tax year of an amount deducted in any prior tax year to the extent that the amount recovered reduced the taxpayer's Montana income tax in the year deducted;

(f) if the state taxable distribution of an estate or trust is greater than the federal taxable distribution of the same estate or trust, the difference between the state taxable distribution and the federal taxable distribution of the same estate or trust for the same tax period; and

(g) except for exempt-interest dividends described in subsection (2)(a)(ii), for tax years commencing after December 31, 2002, the amount of any dividend to the extent that the dividend is not included in federal adjusted gross income.

(2) Notwithstanding the provisions of the Internal Revenue Code, adjusted gross income does not include the following, which are exempt from taxation under this chapter:

(a) (i) all interest income from obligations of the United States government, the state of Montana, or a county, municipality, district, or other political subdivision of the state and any other interest income that is exempt from taxation by Montana under federal law;

(ii) exempt-interest dividends as defined in section 852(b)(5) of the Internal Revenue Code, 26 U.S.C. 852(b)(5), that are attributable to the interest referred to in subsection (2)(a)(i);

(b) interest income earned by a taxpayer who is 65 years of age or older in a tax year up to and including \$800 for a taxpayer filing a separate return and \$1,600 for each joint return;

(c) (i) except as provided in subsection (2)(c)(ii), the first \$3,600 of all pension and annuity income received as defined in 15-30-101;

(ii) for pension and annuity income described under subsection (2)(c)(i), as follows:

(A) each taxpayer filing singly, head of household, or married filing separately shall reduce the total amount of the exclusion provided in subsection (2)(c)(i) by \$2 for every \$1 of federal adjusted gross income in excess of \$30,000 as shown on the taxpayer's return;

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(B) in the case of married taxpayers filing jointly, if both taxpayers are receiving pension or annuity income or if only one taxpayer is receiving pension or annuity income, the exclusion claimed as provided in subsection (2)(c)(i) must be reduced by \$2 for every \$1 of federal adjusted gross income in excess of \$30,000 as shown on their joint return;

(d) all Montana income tax refunds or tax refund credits;

(e) gain required to be recognized by a liquidating corporation under 15-31-113~~(1)(a)(ii)~~ (1)(a)(ii)(B);

(f) all tips or gratuities that are covered by section 3402(k) or service charges that are covered by section 3401 of the Internal Revenue Code of 1954, 26 U.S.C. 3402(k) or 3401, as amended and applicable on January 1, 1983, received by ~~persons~~ a person for rendering services ~~rendered by them~~ to patrons of premises licensed to provide food, beverage, or lodging;

(g) all benefits received under the workers' compensation laws;

(h) all health insurance premiums paid by an employer for an employee if attributed as income to the employee under federal law;

(i) all money received because of a settlement agreement or judgment in a lawsuit brought against a manufacturer or distributor of "agent orange" for damages resulting from exposure to "agent orange";

(j) principal and income in a medical care savings account established in accordance with 15-61-201 or withdrawn from an account for eligible medical expenses, as defined in 15-61-102, of the taxpayer or a dependent of the taxpayer or for the long-term care of the taxpayer or a dependent of the taxpayer;

(k) principal and income in a first-time home buyer savings account established in accordance with 15-63-201 or withdrawn from an account for eligible costs, as provided in 15-63-202(7), for the first-time purchase of a single-family residence;

(l) contributions withdrawn from a family education savings account or earnings withdrawn from a family education savings account for qualified higher education expenses, as defined in 15-62-103, of a designated beneficiary;

(m) the recovery during the tax year of any amount deducted in any prior tax year to the extent that the recovered amount did not reduce the taxpayer's Montana income tax in the year deducted;

(n) if the federal taxable distribution of an estate or trust is greater than the state taxable distribution of the same estate or trust, the difference between the federal taxable distribution and the state taxable distribution of the same estate or trust for the same tax period;

(o) deposits, not exceeding the amount set forth in 15-30-603, deposited in a Montana farm and ranch risk management account, as provided in 15-30-601 through 15-30-605, in any tax year for which a deduction is not provided for federal income tax purposes;

(p) income of a dependent child that is included in the taxpayer's federal adjusted gross income pursuant to the Internal Revenue Code. The child is required to file a Montana personal income tax return if the child and taxpayer meet the filing requirements in 15-30-142.

(q) principal and income deposited in a health care expense trust account, as defined in 2-18-1303, or withdrawn from the account for payment of qualified health care expenses as defined in 2-18-1303; and

(r) that part of the refundable credit provided in 33-22-2006 that reduces Montana tax below zero; and

(s) dividends received from a real estate investment trust to the extent they are taxed in Montana as provided in 15-31-113 and 15-31-114.

(3) A shareholder of a DISC that is exempt from the corporation license tax under 15-31-102(1)(l) shall include in the shareholder's adjusted gross income the earnings and profits of the DISC in the same manner as provided by section 995 of the Internal Revenue Code, 26 U.S.C. 995, for all periods for which the DISC election is effective.

(4) A taxpayer who, in determining federal adjusted gross income, has reduced the taxpayer's business deductions by an amount for wages and salaries for which a federal tax credit was elected under sections 38 and 51(a) of the Internal Revenue Code, 26 U.S.C. 38 and 51(a), is allowed to deduct the amount of the wages and salaries paid regardless of the credit taken. The deduction must be made in the year that the wages and salaries were used to compute the credit. In the case of a partnership or small business corporation, the deduction must be made to determine the amount of income or loss of the partnership or small business corporation.

(5) Married taxpayers filing a joint federal return who are required to include part of their social security

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benefits or part of their tier 1 railroad retirement benefits in federal adjusted gross income may split the federal base used in calculation of federal taxable social security benefits or federal taxable tier 1 railroad retirement benefits when they file separate Montana income tax returns. The federal base must be split equally on the Montana return.

(6) A taxpayer receiving retirement disability benefits who has not attained 65 years of age by the end of the tax year and who has retired as permanently and totally disabled may exclude from adjusted gross income up to \$100 a week received as wages or payments in lieu of wages for a period during which the employee is absent from work due to the disability. If the adjusted gross income before this exclusion exceeds \$15,000, the excess reduces the exclusion by an equal amount. This limitation affects the amount of exclusion, but not the taxpayer's eligibility for the exclusion. If eligible, married individuals shall apply the exclusion separately, but the limitation for income exceeding \$15,000 is determined with respect to the spouses on their combined adjusted gross income. For the purpose of this subsection, "permanently and totally disabled" means unable to engage in any substantial gainful activity by reason of any medically determined physical or mental impairment lasting or expected to last at least 12 months.

~~(7) Married taxpayers who file a joint federal return and who make an election on the federal return to defer income ratably for 4 tax years because of a conversion from an IRA other than a Roth IRA to a Roth IRA, pursuant to section 408A(d)(3) of the Internal Revenue Code, 26 U.S.C. 408A(d)(3), may file separate Montana income tax returns to defer the full taxable conversion amount from Montana adjusted gross income for the same time period. The deferred amount must be attributed to the taxpayer making the conversion.~~

~~(8)~~(7) An individual who contributes to one or more accounts established under the Montana family education savings program may reduce adjusted gross income by the lesser of \$3,000 or the amount of the contribution. In the case of married taxpayers, each spouse is entitled to a reduction, not in excess of \$3,000, for the spouses' contributions to the accounts. Spouses may jointly elect to treat half of the total contributions made by the spouses as being made by each spouse. The reduction in adjusted gross income under this subsection applies only with respect to contributions to an account of which the account owner, as defined in 15-62-103, is the taxpayer, the taxpayer's spouse, or the taxpayer's child or stepchild if the taxpayer's child or stepchild is a Montana resident. The provisions of subsection (1)(e) do not apply with respect to withdrawals of contributions that reduced adjusted gross income.

~~(9)~~(8) (a) A taxpayer may exclude the amount of the loan payment received pursuant to subsection ~~(9)(a)(iv)~~ ~~(8)(a)(iv)~~, not to exceed \$5,000, from the taxpayer's adjusted gross income if the taxpayer:

- (i) is a health care professional licensed in Montana as provided in Title 37;
- (ii) is serving a significant portion of a designated geographic area, special population, or facility population in a federally designated health professional shortage area, a medically underserved area or population, or a federal nursing shortage county as determined by the secretary of health and human services or by the governor;
- (iii) has had a student loan incurred as a result of health-related education; and
- (iv) has received a loan payment during the tax year made on the taxpayer's behalf by a loan repayment program described in subsection (9)(b) as an incentive to practice in Montana.

(b) For the purposes of subsection (9)(a), a loan repayment program includes a federal, state, or qualified private program. A qualified private loan repayment program includes a licensed health care facility, as defined in 50-5-101, that makes student loan payments on behalf of the person who is employed by the facility as a licensed health care professional. (Subsection (2)(f) terminates on occurrence of contingency--sec. 3, Ch. 634, L. 1983; subsection (2)(o) terminates on occurrence of contingency--sec. 9, Ch. 262, L. 2001.)"

**Renumber:** subsequent sections

8. Page 3, line 6.

**Strike:** "\$2,560"

**Insert:** "\$1,900"

9. Page 3, line 7.

**Strike:** "\$2,560"

**Insert:** "\$1,900"

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10. Page 3, line 10.

**Strike:** "\$2,560"

**Insert:** "\$1,900"

11. Page 3, line 12.

**Strike:** "\$2,560"

**Insert:** "\$1,900"

12. Page 3, line 16.

**Strike:** "\$2,560"

**Insert:** "\$1,900"

13. Page 3, line 18.

**Strike:** "\$2,560"

**Insert:** "\$1,900"

14. Page 3, line 28.

**Strike:** "\$2,560"

**Insert:** "\$1,900"

15. Page 3, line 30.

**Strike:** "\$800"

**Insert:** "the exemption amount provided in subsection (2)(a)"

16. Page 4, lines 1 through 4.

**Following:** "a" on line 1

**Insert:** "qualifying"

**Following:** "child" on line 1

**Strike:** "of" on line 1 through "is" on line 4

**Insert:** "as defined in section 152 of the Internal Revenue Code, 26 U.S.C. 152, including"

**Following:** "student" on line 4

**Insert:** "as defined in that section"

17. Page 4, line 8 through line 17.

**Strike:** subsections (c) and (d) in their entirety

18. Page 4, line 22 through page 5, line 25.

**Strike:** section 4 in its entirety

**Insert:** "**Section 61.** Section 15-30-136, MCA, is amended to read:

**"15-30-136. Computation of income of estates or trusts -- exemption.** (1) Except as otherwise provided in this chapter, "gross income" of estates or trusts means all income from whatever source derived in the tax year, including but not limited to the following items:

(a) dividends;

(b) interest received or accrued, including interest received on obligations of another state or territory or a county, municipality, district, or other political subdivision of the state, but excluding interest income from obligations of:

(i) the United States government or the state of Montana;

(ii) a school district; or

(iii) a county, municipality, district, or other political subdivision of the state;

(c) income from partnerships and other fiduciaries;



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- (d) gross rents and royalties;
  - (e) gain from sale or exchange of property, including those gains that are excluded from gross income for federal fiduciary income tax purposes by section 641(c) of the Internal Revenue Code of 1954 (now deleted);
  - (f) gross profit from trade or business; and
  - (g) refunds recovered on federal income tax, to the extent that the deduction of the tax resulted in a reduction of Montana income tax liability.
- (2) In computing net income, there are allowed as deductions:
- (a) interest expenses deductible for federal tax purposes according to section 163 of the Internal Revenue Code, 26 U.S.C. 163;
  - (b) taxes paid or accrued within the tax year, including but not limited to up to \$5,000 of federal income tax paid, but excluding Montana income tax;
  - (c) that fiduciary's portion of depreciation or depletion that is deductible for federal tax purposes according to sections 167, 611, and 642 of the Internal Revenue Code, 26 U.S.C. 167, 611, and 642;
  - (d) charitable contributions that are deductible for federal tax purposes according to section 642(c) of the Internal Revenue Code, 26 U.S.C. 642(c);
  - (e) administrative expenses claimed for federal income tax purposes, according to sections 212 and 642(g) of the Internal Revenue Code, 26 U.S.C. 212 and 642(g);
  - (f) losses from fire, storm, shipwreck, or other casualty or from theft, to the extent not compensated for by insurance or otherwise, that are deductible for federal tax purposes according to section 165 of the Internal Revenue Code, 26 U.S.C. 165;
  - (g) net operating loss deductions allowed for federal income tax under section 642(d) of the Internal Revenue Code, 26 U.S.C. 642(d), except estates may not claim losses that are deductible on the decedent's final return;
  - (h) Montana income tax refunds or tax refund credits.
- (3) The following additional deductions are allowed in deriving taxable income of estates and trusts:
- (a) any amount of income for the tax year currently required to be distributed to beneficiaries for the year;
  - (b) any other amounts properly paid or credited or required to be distributed for the tax year.
- (4) The exemption allowed for estates and trusts is that exemption provided in 15-30-112(2)(a) and (6)."

**Insert: "Section 62.** Section 15-30-144, MCA, is amended to read:

**"15-30-144. Time for filing -- extensions of time.** (1) A return must be made to the department on or before the 15th day of the 4th month following the close of the taxpayer's fiscal year, or if the return is made on the basis of the calendar year, then the return must be made on or before the 15th day of April following the close of the calendar year. Each return must set forth those facts that the department considers necessary for the proper enforcement of this chapter. There must be annexed to the return the affidavit or affirmation of the persons making the return to the effect that the statements contained in the return are true. Blank forms of return must be furnished by the department upon application, but failure to secure the form does not relieve any taxpayer of the obligation to make any return required under this chapter. Each taxpayer liable for a tax under this chapter shall pay a minimum tax of \$1.

(2) ~~An automatic 4-month extension of time for filing a return is allowed, provided that:~~

~~(a) on or before the due date of the return, the taxpayer has applied with the internal revenue service for a 4-month extension of time for filing the taxpayer's federal individual income tax return for the same tax year. The extension of time for filing a return is not an extension of time for the payment of taxes.~~

~~(b) the taxpayer has paid by estimated tax payments, withholding tax, or a combination of estimated tax payments and withholding tax 90% of the current year's tax liability or 100% of the previous year's tax liability. A taxpayer is allowed an automatic extension of time for filing the taxpayer's return of up to 6 months following the date prescribed for filing of the tax return. The tax, penalty, and interest must be paid when the return is filed. Penalty and interest must be added to the tax due as provided in 15-1-216. The department may grant an additional extension of time for the filing of a return whenever in its judgment good cause exists. An automatic extension for filing a return or an additional extension of time for filing a return for good cause is not an extension of time for the payment of taxes.~~

~~(3) An additional 2-month extension of time for filing a return is automatically allowed provided that the~~

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~~taxpayer has applied with the internal revenue service for an additional 2-month extension of time for filing the taxpayer's federal individual income tax return for the same tax year and has satisfied the requirements of subsection (2)(b). The extension of time for filing a return is not an extension of time for the payment of taxes."~~

**Insert: "Section 63.** Section 15-30-149, MCA, is amended to read:

**"15-30-149. Credits and refunds -- period of limitations.** (1) If the department discovers from the examination of a return or upon a claim filed by a taxpayer or upon final judgment of a court that the amount of income tax collected is in excess of the amount due or that any penalty or interest was erroneously or illegally collected, the amount of the overpayment must be credited against any income tax, penalty, or interest then due from the taxpayer and the balance of the excess must be refunded to the taxpayer.

(2) (a) A credit or refund under the provisions of this section may be allowed only if:

(i) prior to the expiration of the period provided by 15-30-146 and 15-30-147, the taxpayer files a claim or the department determines there has been an overpayment; or

(ii) the claim for a credit or refund is made within 1 year of the determination of the overpayment.

(b) If an overpayment of tax results from a net operating loss carryback, the overpayment may be refunded or credited within the period that expires on the 15th day of the 40th month following the close of the tax year of the net operating loss if that period expires later than 5 years from the due date of the return for the year to which the net operating loss is carried back.

(3) Within 6 months after a claim for refund is filed, the department shall examine the claim and either approve or disapprove it. If the claim is approved, the credit or refund must be made to the taxpayer within 60 days after the claim is approved. If the claim is disallowed, the department shall notify the taxpayer and a review of the determination of the department may be pursued as provided in 15-1-211.

(4) Interest is allowed on overpayments at the same rate as charged on delinquent taxes as provided in 15-1-216. Interest is payable from the due date of the return or from the date of the overpayment, whichever date is later, to the date the department approves refunding or crediting of the overpayment. With respect to tax paid by withholding or by estimate, the date of overpayment is the date on which the return for the tax year was due. Interest does not accrue on an overpayment if the taxpayer elects to have it applied to the taxpayer's estimated tax for the succeeding ~~taxable~~ tax year. Interest does not accrue during any period the processing of a claim for refund is delayed more than 30 days by reason of failure of the taxpayer to furnish information requested by the department for the purpose of verifying the amount of the overpayment. Interest is not allowed if:

(a) the overpayment is refunded within 45 days from the date the return is due or the date the return is filed, whichever date is later;

(b) the overpayment results from the carryback of a net operating loss; or

(c) the amount of interest is less than \$1.

(5) An overpayment not made incident to a bona fide and orderly discharge of an actual income tax liability or one reasonably assumed to be imposed by this law is not considered an overpayment with respect to which interest is allowable."

**Insert: "Section 64.** Section 15-30-171, MCA, is amended to read:

**"15-30-171. Residential property tax credit ~~for elderly~~ -- definitions.** As used in 15-30-171 through 15-30-179, the following definitions apply:

(1) "Claim period" means the tax year for individuals required to file Montana individual income tax returns and the calendar year for individuals not required to file returns.

(2) "Claimant" means a person who is eligible to file a claim under 15-30-172.

(3) "Department" means the department of revenue.

(4) "Gross household income" means all income received by all individuals of a household while they are members of the household.

(5) "Gross rent" means the total rent in cash or its equivalent actually paid during the claim period by the renter or lessee for the right of occupancy of the homestead pursuant to an arm's-length transaction with the landlord.

(6) "Homestead" means:

(a) a single-family dwelling or unit of a multiple-unit dwelling that is subject to property taxes in Montana and as much of the surrounding land, but not in excess of 1 acre, as is reasonably necessary for its use as a dwelling; or

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(b) a single-family dwelling or unit of a multiple-unit dwelling that is rented from a county or municipal housing authority as provided in Title 7, chapter 15.

(7) "Household" means an association of persons who live in the same dwelling, sharing its furnishings, facilities, accommodations, and expenses. The term does not include bona fide lessees, tenants, or roomers and boarders on contract.

(8) "Household income" means the amount obtained by subtracting \$6,300 from gross household income.

(9) (a) "Income" means, except as provided in subsection (9)(b), federal adjusted gross income, without regard to loss, as that quantity is defined in the Internal Revenue Code of the United States, plus all nontaxable income, including but not limited to:

(i) the amount of any pension or annuity, including Railroad Retirement Act benefits and veterans' disability benefits;

(ii) the amount of capital gains excluded from adjusted gross income;

(iii) alimony;

(iv) support money;

(v) nontaxable strike benefits;

(vi) cash public assistance and relief;

(vii) interest on federal, state, county, and municipal bonds; and

(viii) all payments received under federal social security except social security income paid directly to a nursing home.

(b) For the purposes of this subsection (9), income is reduced by the taxpayer's basis.

(10) "Property tax billed" means taxes levied against the homestead, including special assessments and fees but excluding penalties or interest during the claim period.

(11) "Rent-equivalent tax paid" means 15% of the gross rent."

**Insert: "Section 65.** Section 15-30-172, MCA, is amended to read:

**"15-30-172. Residential property tax credit for elderly -- eligibility.** (1) In order to be eligible to make a claim under 15-30-171 through 15-30-179, an individual:

~~(a) must have reached age 62 or older during the claim period for which relief is sought;~~

~~(b)~~(a) must have resided in Montana for at least 9 months of that period;

~~(c)~~(b) must have occupied one or more dwellings in Montana as an owner, renter, or lessee for at least 6 months of the claim period; and

~~(d)~~(c) must have less than \$45,000 of gross household income.

(2) A person is not disqualified as a claimant if the person changes residences during the claim period, provided that the person occupies one or more dwellings in Montana as an owner, renter, or lessee for at least 6 months during the claim period."

**Insert: "Section 66.** Section 15-30-173, MCA, is amended to read:

**"15-30-173. Residential property tax credit for elderly -- disallowance or adjustment of certain claims.**

(1) A claim is disallowed if the department finds that the claimant received title to ~~his~~ the claimant's homestead primarily for the purpose of receiving benefits under 15-30-171 through 15-30-179.

(2) When the landlord and tenant have not dealt at arm's length and the department judges the gross rent charged to be excessive, the department may adjust the gross rent to a reasonable amount."

**Insert: "Section 67.** Section 15-30-174, MCA, is amended to read:

**"15-30-174. Residential property tax credit for elderly -- filing date.** (1) Except as provided in ~~subsection~~ subsections (2) and (4), a claim for relief must be submitted at the same time the claimant's individual income tax return is due. For an individual not required to file a tax return, the claim must be submitted on or before April 15 of the year following the year for which relief is sought.

(2) The department may grant a reasonable extension for filing a claim whenever, in its judgment, good cause exists.

(3) In the event that an individual who would have a claim under 15-30-171 through 15-30-179 dies before filing the claim, the personal representative of the estate of the decedent may file the claim.

(4) The department or an individual may revise a return and make a claim under 15-30-171 through

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15-30-179 within 5 years from the last day prescribed for filing a claim for relief."

**Insert: "Section 68.** Section 15-30-175, MCA, is amended to read:

**"15-30-175. Residential property tax credit for elderly -- form of relief.** Relief under 15-30-171 through 15-30-179 is a credit against the claimant's Montana individual income tax liability for the claim period. If the amount of the credit exceeds the claimant's liability under this chapter, the department shall refund the amount of the excess ~~shall be refunded~~ to the claimant. The credit may be claimed even though the claimant has no income taxable under this chapter."

**Insert: "Section 69.** Section 15-30-176, MCA, is amended to read:

**"15-30-176. Residential property tax credit for elderly -- computation of relief.** The amount of the tax credit granted under the provisions of 15-30-171 through 15-30-179 is computed as follows:

(1) ~~In the case of~~ When a claimant ~~who~~ owns the homestead for which a claim is made, the credit is the amount of property tax billed less the deduction specified in subsection (4).

(2) ~~In the case of~~ When a claimant ~~who~~ rents the homestead for which a claim is made, the credit is the amount of rent-equivalent tax paid less the deduction specified in subsection (4).

(3) ~~In the case of~~ When a claimant ~~who~~ both owns and rents the homestead for which a claim is made, the credit is:

(a) the amount of property tax billed on the owned portion of the homestead less the deduction specified in subsection (4); plus

(b) the amount of rent-equivalent tax paid on the rented portion of the homestead less the deduction specified in subsection (4).

(4) Property tax billed and rent-equivalent tax paid are reduced according to the following schedule:

Household income	Amount of reduction
\$0 - \$999	\$0
\$1,000 - \$1,999	\$0
\$2,000 - \$2,999	the product of .006 times the household income
\$3,000 - \$3,999	the product of .016 times the household income
\$4,000 - \$4,999	the product of .024 times the household income
\$5,000 - \$5,999	the product of .028 times the household income
\$6,000 - \$6,999	the product of .032 times the household income
\$7,000 - \$7,999	the product of .035 times the household income
\$8,000 - \$8,999	the product of .039 times the household income
\$9,000 - \$9,999	the product of .042 times the household income
\$10,000 - \$10,999	the product of .045 times the household income
\$11,000 - \$11,999	the product of .048 times the household income
\$12,000 & over	the product of .050 times the household income

(5) For a claimant whose household income is \$35,000 or more but less than \$45,000, the amount of the credit is equal to the credit calculated under this section multiplied by the decimal equivalent of a percentage figure according to the following table:

Gross household income	Percentage of credit allowed
\$35,000 - \$37,500	<del>40%</del> <u>80%</u>
\$37,501 - \$40,000	<del>30%</del> <u>60%</u>
\$40,001 - \$42,500	<del>20%</del> <u>40%</u>
\$42,501 - \$44,999	<del>10%</del> <u>20%</u>
\$45,000 or more	0%

(6) The credit granted may not exceed:

(a) \$1,000 if the claimant is 62 years of age or older; or

(b) \$400 if the claimant is younger than 62 years of age."

**Insert: "Section 70.** Section 15-30-177, MCA, is amended to read:

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**"15-30-177. Residential property tax credit for ~~elderly~~ -- limitations.** (1) Only one claimant per household in a claim period under the provisions of 15-30-171 through 15-30-179 is entitled to a claim for relief.

(2) Except as provided in subsection (3), a claim for relief may not be allowed for any portion of property taxes billed or rent-equivalent taxes paid that is derived from a public rent or tax subsidy program.

(3) Except for dwellings rented from a county or municipal housing authority, a claim for relief may not be allowed on rented lands or rented dwellings that are not subject to Montana property taxes during the claim period.""

**Insert: "Section 71.** Section 15-30-178, MCA, is amended to read:

**"15-30-178. Residential property tax credit for ~~elderly~~ -- proof of claim.** A receipt showing property tax billed or a receipt showing gross rent paid, whichever is appropriate, must be filed with each claim for relief. In addition, each claimant shall, at the request of the department, supply all additional information necessary to support a claim for relief.""

**Insert: "Section 72.** Section 15-30-179, MCA, is amended to read:

**"15-30-179. Residential property tax credit for ~~elderly~~ -- denial of claim.** A person filing a false or fraudulent claim for relief under the provisions of 15-30-171 through 15-30-179 shall be charged with the offense of unsworn falsification to authorities pursuant to 45-7-203. If a false or fraudulent claim has been paid, the amount paid may be recovered as any other debt owed to the state. An additional 10% may be added to the amount due as a penalty. The unpaid debt ~~shall bear~~ bears interest from the date of the original payment of claim until paid, at the rate of 1% per month.""

**Insert: "Section 73.** Section 15-30-301, MCA, is amended to read:

**"15-30-301. Information agents' duties.** (1) ~~Every~~ Each information agent shall make a return to the department of complete information concerning the following distributions made for any individual during the ~~taxable~~ tax year upon which ~~no~~ withholding tax has not been deducted:

(a) sums in excess of \$10 distributed as dividends, interest as defined in section 6049 of the Internal Revenue Code, 26 U.S.C. 6049, royalties, and payments made under a retirement plan covering an owner-employee as defined in section 401(c)(3) of the Internal Revenue Code, 26 U.S.C. 401(c)(3);

(b) all interest income in excess of \$10 from obligations of another state and a county, municipality, district, or other political subdivision of that state;

(c) interest, other than that specified in subsections (1)(a) and (1)(b), rents, salaries, wages, prizes, awards, annuities, pensions, and other fixed or determinable gains, profits, and income in excess of \$600, except interest coupons payable to the bearer;

(d) proceeds from real estate transactions that are required to be reported under rules or regulations of the United States department of the treasury.

(2) The return must be made under ~~the regulations~~ rules adopted by the department and in the form and manner prescribed by the department. For ease of reporting, the form must be as nearly identical to the comparable federal form as possible.""

**Insert: "Section 74.** Section 15-30-303, MCA, is amended to read:

**"15-30-303. Confidentiality of tax records.** (1) Except as provided in subsections (7) and (8) or in accordance with a proper judicial order or as otherwise provided by law, it is unlawful to divulge or make known in any manner:

(a) the amount of income or any particulars set forth or disclosed in any individual report or individual return required under this chapter or any other information secured in the administration of this chapter; or

(b) any federal return or federal return information disclosed on any return or report required by rule of the department or under this chapter.

(2) (a) The officers charged with the custody of the reports and returns may not be required to produce them or evidence of anything contained in them in an action or proceeding in a court, except in an action or proceeding:

(i) to which the department is a party under the provisions of this chapter or any other taxing act; or

(ii) on behalf of a party to any action or proceedings under the provisions of this chapter or other taxes when the reports or facts shown by the reports are directly involved in the action or proceedings.

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(b) The court may require the production of and may admit in evidence only as much of the reports or of the facts shown by the reports as are pertinent to the action or proceedings.

(3) This section does not prohibit:

(a) the delivery to a taxpayer or the taxpayer's authorized representative of a certified copy of any return or report filed in connection with the taxpayer's tax;

(b) the publication of statistics classified to prevent the identification of particular reports or returns and the items of particular reports or returns; ~~or~~

(c) the inspection by the attorney general or other legal representative of the state of the report or return of any taxpayer who brings an action to set aside or review the tax based on the report or return or against whom an action or proceeding has been instituted in accordance with the provisions of 15-30-311; or

(d) the delivery to the secretary of state, pursuant to 15-31-603, of the name, address, and business activity code of any corporation, business trust, limited partnership, limited liability company, or limited liability partnership that filed a tax return or report required by this chapter.

(4) Reports and returns must be preserved for at least 3 years and may be preserved until the department orders them to be destroyed.

(5) Any offense against subsections (1) through (4) is punishable by a fine not exceeding \$1,000 or by imprisonment in the county jail for a term not exceeding 1 year, or both. If the offender is an officer or employee of the state, the offender must be dismissed from office and may not hold any public office in this state for a period of 1 year after dismissal.

(6) This section may not be construed to prohibit the department from providing taxpayer return information and information from employers' payroll withholding reports to:

(a) the department of labor and industry to be used for the purpose of investigation and prevention of noncompliance, tax evasion, fraud, and abuse under the unemployment insurance laws; or

(b) the state fund to be used for the purpose of investigation and prevention of noncompliance, fraud, and abuse under the workers' compensation program.

(7) The department may permit the commissioner of internal revenue of the United States or the proper officer of any state imposing a tax upon the incomes of individuals or the authorized representative of either officer to inspect the return of income of any individual or may furnish to the officer or an authorized representative an abstract of the return of income of any individual or supply the officer with information concerning an item of income contained in a return or disclosed by the report of an investigation of the income or return of income of an individual, but the permission may be granted or information furnished only if the statutes of the United States or of the other state grant substantially similar privileges to the proper officer of this state charged with the administration of this chapter.

(8) The department shall furnish:

(a) to the department of justice;

(i) all information necessary to identify those persons qualifying for the additional exemption for blindness pursuant to 15-30-112(4), for the purpose of enabling the department of justice to administer the provisions of 61-5-105;

(ii) all information necessary for the investigation and prevention of medicaid fraud, for the purposes of enabling the department of justice to administer 53-2-501; and

(iii) all information necessary for investigation and prevention of crimes and fraud, for the purposes of enabling the department of justice to administer 44-2-115;

(b) to the department of public health and human services information acquired under 15-30-301, pertaining to an applicant for public assistance, reasonably necessary for the prevention and detection of public assistance fraud and abuse, provided notice to the applicant has been given;

(c) to the department of labor and industry for the purpose of prevention and detection of fraud and abuse in and eligibility for benefits under the unemployment compensation and workers' compensation programs information on whether a taxpayer who is the subject of an ongoing investigation by the department of labor and industry is an employee, an independent contractor, or self-employed;

(d) to the department of fish, wildlife, and parks specific information that is available from income tax returns and required under 87-2-102 to establish the residency requirements of an applicant for hunting and fishing

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licenses;

(e) to the board of regents information required under 20-26-1111;

(f) to the legislative fiscal analyst and the office of budget and program planning individual income tax information as provided in 5-12-303. The information provided to the office of budget and program planning must be the same as the information provided to the legislative fiscal analyst.

(g) to the department of transportation farm income information based on the most recent income tax return filed by an applicant applying for a refund under 15-70-223 or 15-70-362, provided that notice to the applicant has been given as provided in 15-70-223 and 15-70-362. The information obtained by the department of transportation is subject to the same restrictions on disclosure as are individual income tax returns.

(h) to the commissioner of insurance's office all information necessary for the administration of the small business health insurance tax credit provided for in Title 33, chapter 22, part 20;

(i) to the commissioner of insurance's office information necessary for the administration of Title 33;

(j) to the office of securities commissioner information necessary for the administration of Title 30, chapter

10."

**Insert: "Section 75.** Section 15-30-1102, MCA, is amended to read:

**"15-30-1102. Income or license tax involving pass-through entities -- information returns required.**

(1) Except as otherwise provided:

(a) a partnership is not subject to taxes imposed in Title 15, chapter 30 or 31;

(b) an S. corporation is not subject to the taxes imposed in Title 15, chapter 30 or 31; and

(c) a disregarded entity is not subject to the taxes imposed in Title 15, chapter 30 or 31.

(2) Except as otherwise provided, each partner of a partnership described in subsection (1)(a), each shareholder of an S. corporation described in subsection (1)(b), and each partner, shareholder, member, or other owner of an entity described in subsection (1)(c), the first-tier pass-through entity, is subject to the taxes provided in this chapter, if an individual, trust, or estate, and to the taxes provided in Title 15, chapter 31, if a C. corporation. If a partner, shareholder, member, or other owner of an entity described in subsection (1) is itself a pass-through entity, any individual, trust, or estate to which the first-tier pass-through entity's Montana source income is directly or indirectly passed through is subject to the taxes provided in this chapter and any C. corporation to which the first-tier pass-through entity's Montana source income is directly or indirectly passed through is subject to the taxes provided in Title 15, chapter 31.

(3) Income realized for federal income tax purposes by a financial institution that has elected to be treated as an S. corporation under subchapter S. of Chapter 1 of the Internal Revenue Code and by its shareholders that is attributable to the financial institution's change from the bad debt reserve method of accounting provided in section 585 of the Internal Revenue Code, 26 U.S.C. 585, is not taxable under Title 15, chapter 30 or 31, to the extent that the aggregate deductions allowed for federal income tax purposes under 26 U.S.C. 585 exceeded the aggregate deductions that the financial institution is allowed under 15-31-114(1)(b)(i).

(4) (a) A partnership that has Montana source income shall on or before the 15th day of the 4th month following the close of its annual accounting period file an information return on forms prescribed by the department and a copy of its federal partnership return. The return must include:

(i) the name, address, and social security or federal identification number of each partner;

(ii) the partnership's Montana source income;

(iii) each partner's distributive share of Montana source income, gain, loss, deduction, or credit or item of income, gain, loss, deduction, or credit;

(iv) each partner's distributive share of income, gain, loss, deduction, or credit or item of income, gain, loss, deduction, or credit from all sources; and

(v) any other information the department prescribes.

(b) An S. corporation that has Montana source income shall on or before the 15th day of the 3rd month following the close of its annual accounting period file an information return on forms prescribed by the department and a copy of its federal S. corporation return. The return must include:

(i) the name, address, and social security or federal identification number of each shareholder;

(ii) the S. corporation's Montana source income and each shareholder's pro rata share of separately and nonseparately stated Montana source income, gain, loss, deduction, or credit or item of income, gain, loss,

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deduction, or credit;

(iii) each shareholder's pro rata share of separately and nonseparately stated income, gain, loss, deduction, or credit or item of income, gain, loss, deduction, or credit from all sources; and

(iv) any other information the department prescribes.

(c) A disregarded entity that has Montana source income shall furnish the information and file the returns the department prescribes. The return must include:

(i) the name, address, and social security or federal identification number of each member or other owner during the tax year;

(ii) the entity's Montana source income; and

(iii) any other information the department prescribes.

(d) (i) Except as provided in subsection (4)(d)(ii), a pass-through entity that fails to file an information return required by this section by the due date, including any extension, must be assessed a late filing penalty of \$10 multiplied by the number of the entity's partners, shareholders, members, or other owners at the close of the tax year for each month or fraction of a month, not to exceed 5 months, that the entity fails to file the information return. The department may waive the penalty imposed by this subsection (4)(d)(i) as provided in 15-1-206.

(ii) The penalty imposed under subsection (4)(d)(i) may not be imposed on a pass-through entity that has 10 or fewer partners, shareholders, members, or other owners, each of whom:

(A) is an individual, an estate of a deceased individual, or a C. corporation;

(B) has filed any required return or other report with the department by the due date, including any extension of time, for the return or report; and

(C) has paid all taxes when due.

(5) The department shall waive the reporting requirements provided in this section for a grantor trust that establishes that the trust's Montana source income will be fully accounted for in individual income tax returns, corporation license tax returns, or corporation income tax returns filed with the department."

**Insert: "Section 76.** Section 15-31-113, MCA, is amended to read:

**"15-31-113. Gross income, and net income, and real estate investment trust income defined -- computation of gross income of corporations not exempt from taxation.** (1) For the purposes of this chapter, the following definitions apply:

~~(1) (a) (i) The term "gross income"~~ "Gross income" means all income recognized in determining the corporation's gross income for federal income tax purposes ~~and:~~ increased as provided in subsection (1)(a)(ii) and decreased as provided in subsection (1)(a)(iii).

~~(a)(ii) including:~~ The following items are included in determining a corporation's gross income:

~~(i)(A)~~ (A) interest exempt from federal income tax and exempt-interest dividends as defined in section 852(b)(5) of the Internal Revenue Code of 1986, 26 U.S.C. 852(b)(5) as that section may be amended or renumbered; and

~~(ii)(B)~~ (B) the portion of gain from a liquidation of the reporting corporation not recognized for federal corporate income tax purposes pursuant to sections 331 through 337 of the Internal Revenue Code, 26 U.S.C. 331 through 337 as those sections may be amended or renumbered, attributable to stockholders, either individual or corporate, not subject to Montana income or license tax under Title 15, chapter 30 or chapter 31, as appropriate, on the gain passing through to the stockholders pursuant to federal law; ~~and.~~

~~(b)(iii) excluding~~ The following items are excluded in determining a corporation's gross income:

(A) the gain recognized for federal tax purposes as a shareholder of a liquidating corporation pursuant to sections 331 through 337 of the Internal Revenue Code, 26 U.S.C. 331 through 337 as those sections may be amended or renumbered, when the gain is required to be recognized by the liquidating corporation pursuant to subsection ~~(1)(a)(ii)~~ (1)(a)(ii)(B) of this section; and

(B) dividends received from a real estate investment trust to the extent they are taxed in Montana as provided in 15-31-114 and this section.

(b) "Internal Revenue Code" has the meaning provided in 15-30-101.

~~(2)(c) (i) The term "net income"~~ "Net income", except as provided in subsection (1)(c)(ii), means the gross income of the corporation less the deductions set forth in 15-31-114.

(ii) If a corporation is taxed as a real estate investment trust as provided in sections 856 through 859 of the Internal Revenue Code, 26 U.S.C. 856 through 859, the term means real estate investment trust income.



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(d) "Real estate investment trust income" means real estate investment trust taxable income, as defined in section 857(b)(2) of the Internal Revenue Code, 26 U.S.C. 857(b)(2), modified as follows:

(i) the exclusion for an amount equal to the net income from foreclosure property provided for in section 857(b)(2)(D) of the Internal Revenue Code, 26 U.S.C. 857(b)(2)(D), is not allowed;

(ii) the deduction for an amount equal to the tax imposed for failure to meet certain requirements for the tax year provided for in section 857(b)(2)(E) of the Internal Revenue Code, 26 U.S.C. 857(b)(2)(E), is not allowed;

(iii) the exclusion for an amount equal to any net income derived from prohibited transactions provided for in section 857(b)(2)(F) of the Internal Revenue Code, 26 U.S.C. 857(b)(2)(F), is not allowed; and

(iv) the deduction for dividends paid provided for in section 561, 858, or 860 of the Internal Revenue Code, 26 U.S.C. 561, 858, or 860, or in any other section of the Internal Revenue Code is not allowed.

~~(3)~~(2) A corporation is not exempt from the corporation license tax unless specifically provided for under 15-31-101(3) or 15-31-102. Any corporation not subject to or liable for federal income tax but not exempt from the corporation license tax under 15-31-101(3) or 15-31-102 shall compute gross income for corporation license tax purposes in the same manner as a corporation that is subject to or liable for federal income tax according to the provisions for determining gross income in the federal Internal Revenue Code in effect for the taxable year."

**Insert: "Section 77.** Section 15-31-114, MCA, is amended to read:

**"15-31-114. Deductions allowed in computing income.** (1) In computing the net income, the following deductions are allowed from the gross income received by the corporation within the year from all sources:

(a) all the ordinary and necessary expenses paid or incurred during the ~~taxable~~ tax year in the maintenance and operation of its business and properties, including reasonable allowance for salaries for personal services actually rendered, subject to the limitation contained in this ~~section~~ subsection (1)(a), and rentals or other payments required to be made as a condition to the continued use or possession of property to which the corporation has not taken or is not taking title or in which it has no equity. A deduction is not allowed for salaries paid upon which the recipient has not paid Montana state income tax. However, when domestic corporations are taxed on income derived from outside the state, salaries of officers paid in connection with securing the income are deductible.

(b) (i) all losses actually sustained and charged off within the year and not compensated by insurance or otherwise, including a reasonable allowance for the wear and tear and obsolescence of property used in the trade or business. The allowance is determined according to the provisions of section 167 of the Internal Revenue Code in effect with respect to the ~~taxable~~ tax year. All elections for depreciation must be the same as the elections made for federal income tax purposes. A deduction is not allowed for any amount paid out for any buildings, permanent improvements, or betterments made to increase the value of any property or estate, and a deduction may not be made for any amount of expense of restoring property or making good the exhaustion of property for which an allowance is or has been made. A depreciation or amortization deduction is not allowed on a title plant as defined in 33-25-105(15).

(ii) There is allowed as a deduction for the ~~taxable~~ tax period a net operating loss deduction determined according to the provisions of 15-31-119.

(c) in the case of mines, other natural deposits, oil and gas wells, and timber, a reasonable allowance for depletion and for depreciation of improvements. The reasonable allowance must be determined according to the provisions of the Internal Revenue Code in effect for the ~~taxable~~ tax year. All elections made under the Internal Revenue Code with respect to capitalizing or expensing exploration and development costs and intangible drilling expenses for corporation license tax purposes must be the same as the elections made for federal income tax purposes.

(d) the amount of interest paid within the year on its indebtedness incurred in the operation of the business from which its income is derived. Interest may not be allowed as a deduction if paid on an indebtedness created for the purchase, maintenance, or improvement of property or for the conduct of business unless the income from the property or business would be taxable under this part.

(e) (i) taxes paid within the year, except the following:

(A) taxes imposed by this part;

(B) taxes assessed against local benefits of a kind tending to increase the value of the property assessed;

(C) taxes on or according to or measured by net income or profits imposed by authority of the government

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of the United States;

(D) taxes imposed by any other state or country upon or measured by net income or profits.

(ii) Taxes deductible under this part ~~must be construed to~~ include taxes imposed by any county, school district, or municipality of this state.

(f) that portion of an energy-related investment allowed as a deduction under 15-32-103;

(g) (i) except as provided in subsection (1)(g)(ii) or (1)(g)(iii), charitable contributions and gifts that qualify for deduction under section 170 of the Internal Revenue Code, 26 U.S.C. 170, ~~as amended~~.

(ii) The public service commission may not allow in the rate base of a regulated corporation the inclusion of contributions made under this subsection.

(iii) A deduction is not allowed for a charitable contribution using a charitable gift annuity unless the annuity is a qualified charitable gift annuity as defined in 33-20-701.

(h) per capita livestock fees imposed pursuant to 15-24-921, 15-24-922, 81-6-104, 81-6-204, 81-6-209, 81-7-118, or 81-7-201.

(2) In lieu of the deduction allowed under subsection (1)(g), the taxpayer may deduct the fair market value, not to exceed 30% of the taxpayer's net income, of a computer or other sophisticated technological equipment or apparatus intended for use with the computer donated to an elementary, secondary, or accredited postsecondary school located in Montana if:

(a) the contribution is made no later than 5 years after the manufacture of the donated property is substantially completed;

(b) the property is not transferred by the donee in exchange for money, other property, or services; and

(c) the taxpayer receives a written statement from the donee in which the donee agrees to accept the property and representing that the use and disposition of the property will be in accordance with the provisions of subsection (2)(b).

(3) In the case of a regulated investment company or a fund of a regulated investment company, as defined in section 851(a) or 851(g) of the Internal Revenue Code of 1986, 26 U.S.C. 851(a) or 851(g), ~~as that section may be amended or renumbered~~, there is allowed a deduction for dividends paid, as defined in section 561 of the Internal Revenue Code of 1986, 26 U.S.C. 561, ~~as that section may be amended or renumbered~~, except that the deduction for dividends is not allowed with respect to dividends attributable to any income that is not subject to tax under this chapter when earned by the regulated investment company. For the purposes of computing the deduction for dividends paid, the provisions of sections 852(b)(7) and 855 of the Internal Revenue Code ~~of 1986~~, 26 U.S.C. 852(b)(7) and 855, as those sections may be amended or renumbered, apply. A regulated investment company is not allowed a deduction for dividends received as defined in sections 243 through 245 of the Internal Revenue Code of 1986, 26 U.S.C. 243 through 245, ~~as those sections may be amended or renumbered~~.

(4) A deduction is not allowed for any dividend received from:

(a) a regulated investment company, including without limitation:

(i) a capital gains dividend as defined in section 852(b)(3) of the Internal Revenue Code, 26 U.S.C. 852(b)(3); and

(ii) any amount treated as a dividend under section 854(b) of the Internal Revenue Code, 26 U.S.C. 854(b); and

(b) a real estate investment trust including, without limitation:

(i) a capital gain dividend as defined in section 857(b)(3)(C) of the Internal Revenue Code, 26 U.S.C. 857(b)(3)(C);

(ii) a capital gain dividend treated by the shareholder or holder of a beneficial interest in a real estate investment trust as a gain from the sale or exchange of a capital asset held for more than 1 year as described in section 857(b)(3)(B) of the Internal Revenue Code, 26 U.S.C. 857(b)(3)(B); and

(iii) the amount designated by a real estate investment trust and includable in computing the long-term capital gains of a shareholder or holder of a beneficial interest as described in section 857(b)(3)(D) of the Internal Revenue Code, 26 U.S.C. 857(b)(3)(D)."

**Insert: "Section 78.** Section 15-31-119, MCA, is amended to read:

**"15-31-119. Net operating losses -- carryovers and carrybacks.** (1) The net operating loss deduction is the aggregate of net operating loss carryovers to the ~~taxable tax~~ period plus the net operating loss carrybacks to the

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taxable tax period.

(2) (a) ~~The~~ Except as provided in subsection (2)(b), the term "net operating loss" means the excess of the deductions allowed by this section over the gross income, with the modifications specified in subsection (6)(5).

(b) The net operating loss of a real estate investment trust must be computed with the adjustments provided in 15-31-113(1)(d).

~~(3) If for any taxable period beginning after December 31, 1970, a net operating loss is sustained, the loss must be a net operating loss carryback to each of the three taxable periods preceding the taxable period of the loss and must be a net operating loss carryover to each of the five taxable periods following the taxable period of the loss.~~

~~(4)~~(3) A net operating loss for any taxable tax period ending after December 31, 1975, in addition to being a net operating loss carryback to each of the three preceding taxable tax periods, must be a net operating loss carryover to each of the seven taxable tax periods following the taxable tax period of the loss.

~~(5)~~(4) Except as provided in subsection (11), the portion of the loss that must be carried to each of the other taxable tax years must be the excess, if any, of the amount of the loss over the sum of the net income for each of the prior taxable tax periods to which the loss was carried. For purposes of this subsection, the net income for the prior taxable tax period must be computed with the modification specified in subsection ~~(6)(b)~~ (5)(b) and by determining the amount of the net operating loss deduction without regard to the net operating loss for the loss period or any taxable tax period after the loss period, and the net income ~~so that is~~ computed may not be considered to be less than zero.

~~(6)~~(5) The modifications referred to in subsection ~~(2)~~(2)(a) are as follows:

(a) The net operating loss deduction may not be allowed.

(b) The deduction for depletion may not exceed the amount that would be allowable if computed under the cost method.

(c) Except to the extent provided in section 1382(b) of the Internal Revenue Code, 26 U.S.C. 1382(b), a deduction for dividends paid or considered paid is not allowed.

~~(d)~~ Any net operating loss carried over to any taxable tax year must be calculated under the provisions of this section effective for the taxable tax year for which the return claiming the net operating loss carryover is filed.

~~(7)~~(6) A net operating loss deduction may be allowed only with regard to losses attributable to the business carried on within the state of Montana.

~~(8)~~(7) In the case of a merger of corporations, the surviving corporation ~~may is not be~~ allowed a net operating loss deduction for net operating losses sustained by the merged corporations prior to the date of merger. In the case of a consolidation of corporations, the new corporate entity ~~may is not be~~ allowed a deduction for net operating losses sustained by the consolidated corporations prior to the date of consolidation.

~~(9)~~(8) Notwithstanding the provisions of 15-31-531, interest may not be paid with respect to a refund of tax resulting from a net operating loss carryback or carryover.

~~(10)~~(9) The net operating loss deduction must be allowed with respect to taxable tax periods.

~~(11)~~(10) A taxpayer entitled to a carryback period for a net operating loss may elect to forego the entire carryback period. If the election is made, the loss may be carried forward only. The election must be made on or before the date on which the return is due, including any extension of the due date, for the tax year of the net operating loss for which the election is to be in effect. The election is irrevocable for the year made.

~~(12)~~(11) Notwithstanding any other provision of this section, the net operating loss deduction is not allowed in the case of a regulated investment company or a fund of a regulated investment company, as defined in section 851(a) or 851(b) of the Internal Revenue Code of 1986, ~~as that section may be amended or renumbered~~ 26 U.S.C. 851(a) or 851(b).""

**Insert: "Section 79.** Section 15-31-322, MCA, is amended to read:

**"15-31-322. Water's-edge election -- inclusion of tax havens.** (1) Notwithstanding any other provisions of law, a taxpayer subject to the taxes imposed under this chapter may apportion its income under this section. A return under a water's-edge election must include the income and apportionment factors of the following affiliated corporations only:

(a) a corporation incorporated in the United States or formed under the laws of any state, the District of Columbia, or any territory or possession of the United States in a unitary relationship with the taxpayer and eligible to be included in a federal consolidated return as described in 26 U.S.C. 1501 through 1505 ~~that has more than 20%~~

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of its payroll and property assignable to locations inside the United States. For purposes of determining eligibility for inclusion in a federal consolidated return under this subsection (1)(a), the 80% stock ownership requirements of 26 U.S.C. 1504 must be reduced to ownership of over 50% of the voting stock directly or indirectly owned or controlled by an includable corporation.

(b) domestic international sales corporations, as described in 26 U.S.C. 991 through 994, and foreign sales corporations, as described in 26 U.S.C. 921 through 927;

(c) export trade corporations, as described in 26 U.S.C. 970 and 971;

(d) foreign corporations deriving gain or loss from disposition of a United States real property interest to the extent recognized under 26 U.S.C. 897;

(e) a corporation that is in a unitary relationship with the taxpayer incorporated outside the United States if over 50% of its voting stock is owned directly or indirectly by the taxpayer and if more than 20% of the average of its payroll and property is assignable to a location inside the United States; ~~or~~

(f) a corporation that is in a unitary relationship with the taxpayer and that earns more than 20% of its income, directly or indirectly, from intangible property or service-related activities that are deductible against the business income of other members of the water's-edge group, to the extent of that income and the apportionment factors related to that income; or

~~(f)(g)~~ a corporation that is in a unitary relationship with the taxpayer and that is incorporated in a tax haven, including Andorra, Anguilla, Antigua and Barbuda, Aruba, the Bahamas, Bahrain, Barbados, Belize, Bermuda, British Virgin Islands, Cayman Islands, Cook Islands, Cyprus, Turks and Caicos Islands, Dominica, Gibraltar, Grenada, Guernsey-Sark-Alderney, Isle of Man, Jersey, Liberia, Liechtenstein, Luxembourg, Maldives, Malta, Marshall Islands, Mauritius, Monaco, Montserrat, Nauru, Netherlands, Netherlands Antilles, Niue, Panama, Samoa, San Marino, Seychelles, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Tonga, U.S. Virgin Islands, and Vanuatu.

(2) The department shall report biennially to the revenue and transportation interim committee with an update of countries that may be considered a tax haven under subsection ~~(1)(f)~~ (1)(g).

(3) A corporation that is in a unitary relationship with the taxpayer and is not described in subsections (1)(a) through (1)(e) shall include the portion of its income derived from or attributable to sources within the United States, as determined under the Internal Revenue Code without regard to federal treaties, and its apportionment related to the income."

**Insert: "Section 80.** Section 15-31-323, MCA, is amended to read:

**"15-31-323. Apportionment factors -- inclusion of tax havens.** (1) For purposes of 15-31-322(1)(a) through ~~(1)(e)~~ (1)(f), the location of payroll and property is determined under the individual state's laws and regulations that set forth the apportionment formulas used to assign net income subject to taxes on or measured by net income. If a state does not impose a tax on or measured by net income, apportionment is determined under this chapter.

(2) For the purposes of 15-31-322~~(1)(f)~~(1)(g), income shifted to a tax haven, to the extent taxable, is considered income subject to apportionment."

**Insert: "Section 81.** Section 15-31-324, MCA, is amended to read:

**"15-31-324. Water's-edge election period -- consent -- change of election.** (1) A water's-edge election may be made by a taxpayer and is effective only if every affiliated corporation subject to the taxes imposed under this chapter consents to the election. Consent by the common parent of an affiliated group constitutes consent of all members of the group. An affiliated corporation that becomes subject to taxes under this chapter after the water's-edge election is considered to have consented to the election. The election must disclose the identity of the taxpayer and the identity of any affiliated corporation, including an affiliated corporation incorporated in a tax haven as set forth in 15-31-322~~(1)(f)~~(1)(g), in which the taxpayer or common foreign parent owns directly or indirectly more than 50% of the voting stock of the affiliated corporation.

(2) Except as provided in subsections (3) ~~and (4)~~ through (5), each water's-edge election must be for 3-year renewable periods.

(3) A water's-edge election may be changed by a taxpayer before the end of each 3-year period only with the permission of the department. In granting a change of election, the department shall impose reasonable conditions that are necessary to prevent the avoidance of tax or clearly reflect income for the election period prior to the change.

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(4) A taxpayer subject to the provisions of 15-31-322~~(1)(f)~~(1)(g) who has a water's-edge election that is in effect for tax periods beginning both before and after October 1, 2003, may rescind ~~the~~ that specific election for any tax period beginning after October 1, 2003.

(5) A taxpayer subject to the provisions of 15-31-322(1)(a), (1)(f), or (3) who has a water's-edge election that is in effect for tax periods beginning both before and after December 31, 2006, may rescind that specific election for any tax period beginning after December 31, 2006."

**Insert: "Section 82.** Section 15-31-326, MCA, is amended to read:

**"15-31-326. Domestic disclosure spreadsheet -- inclusion of tax havens.** (1) The department may require a taxpayer making a water's-edge election to submit within 6 months after the taxpayer files its federal income tax return a domestic disclosure spreadsheet to provide full disclosure of the income reported to each state for the year, the tax liability for each state, the method used for allocating or apportioning income to the states, and the identity of the water's-edge corporate group and those of its United States affiliated corporations.

(2) The department may require a taxpayer subject to the provisions of 15-31-322~~(1)(f)~~(1)(g) to disclose the same information for tax havens as is required for states in subsection (1)."

**"Section 83.** Section 15-31-509, MCA, is amended to read:

**"15-31-509. Periods of limitation.** (1) Except as otherwise provided in 15-31-544 and this section, a deficiency may not be assessed or collected with respect to the year for which a return is filed unless the notice of additional tax proposed to be assessed is mailed within ~~3~~ 5 years from the date that the return was filed. For the purposes of this section, a return filed before the last day prescribed for filing is considered as filed on the last day. When, before the expiration of the period prescribed for assessment of the tax, the taxpayer consents in writing to an assessment after the time, the tax may be assessed at any time prior to the expiration of the period agreed upon. The limitations prescribed for giving notice of a proposed assessment of additional tax may not apply when:

(a) the taxpayer has by written agreement suspended the federal statute of limitations for collection of federal tax if the suspension of the limitation set forth in this section lasts:

(i) only as long as the suspension of the federal statute of limitation; or

(ii) until 1 year after the federal changes have become final or an amended federal return is filed as a result of the suspension of the federal statute, whichever is the latest in time; or

(b) a taxpayer has failed to file an amended Montana return, as required by 15-31-506, until ~~3~~ 5 years after the federal changes become final or the amended federal return was filed, whichever the case may be.

(2) A refund or credit may not be allowed or paid with respect to the year for which a return is filed after 3 years from the last day prescribed for filing the return or after 1 year from the date of the overpayment, whichever period expires the later, unless before the expiration of the period the taxpayer files a claim for the refund or credit or the department has determined the existence of the overpayment and has approved the refund or credit. If the taxpayer has agreed in writing under the provisions of subsection (1) to extend the time within which the department may propose an additional assessment, the period within which a claim for refund or credit may be filed or a credit or refund allowed in the event a claim is not filed must automatically be extended.

(3) If a claim for refund or credit is based upon an overpayment attributable to a net loss carryback adjustment as provided in 15-31-119, ~~in lieu of the 3-year period provided for in subsection (1), the period must be the period that ends with the expiration of the 15th day of the 41st month following the end of the tax year of the net loss that results in the carryback~~ the overpayment may be refunded or credited within the period that expires on the 15th day of the 41st month following the close of the tax year of the net operating loss if that period expires later than 5 years from the due date of the return for the year to which the net operating loss is carried back.

(4) If the year of the net operating loss is open under either state or federal waivers, the year to which the loss is carried back will remain open for the purposes of the loss carryback and for 12 months following the expiration of the state or federal waiver, even though the claim would otherwise be barred under this section."

**Insert: "Section 84.** Section 15-31-511, MCA, is amended to read:

**"15-31-511. Confidentiality of tax records.** (1) Except as provided in this section in accordance with a proper judicial order or as otherwise provided by law, it is unlawful to knowingly divulge or make known in any manner:

(a) the amount of income or any particulars set forth or disclosed in any return or report required under

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this chapter or any other information relating to taxation secured in the administration of this chapter; or

(b) any federal return or information in or disclosed on a federal return or report required by law or rule of the department of revenue under this chapter.

(2) (a) An officer or employee charged with custody of returns and reports required by this chapter may not be ordered to produce any of them or evidence of anything contained in them in any administrative proceeding or action or proceeding in any court, except:

(i) in an action or proceeding in which the department is a party under the provisions of this chapter; or

(ii) in any other tax proceeding or on behalf of a party to an action or proceeding under the provisions of this chapter when the returns or reports or facts shown in them are directly pertinent to the action or proceeding.

(b) If the production of a return, report, or information contained in them is ordered, the court shall limit production of and the admission of returns, reports, or facts shown in them to the matters directly pertinent to the action or proceeding.

(3) This section does not prohibit:

(a) the delivery of a certified copy of any return or report filed in connection with a return to the taxpayer who filed the return or report or to the taxpayer's authorized representative;

(b) the publication of statistics prepared in a manner that prevents the identification of particular returns, reports, or items from returns or reports;

(c) the inspection of returns and reports by the attorney general or other legal representative of the state in the course of an administrative proceeding or litigation under this chapter;

(d) access to information under subsection (4);

(e) the director of revenue from permitting a representative of the commissioner of internal revenue of the United States or a representative of a proper officer of any state imposing a tax on the income of a taxpayer to inspect the returns or reports of a corporation. The department may also furnish those persons abstracts of income, returns, and reports; information concerning any item in a return or report; and any item disclosed by an investigation of the income or return of a corporation. The director of revenue may not furnish that information to a person representing the United States or another state unless the United States or the other state grants substantially similar privileges to an officer of this state charged with the administration of this chapter.

(f) the disclosure of information to the commissioner of insurance's office that is necessary for the administration of the small business health insurance tax credit provided for in Title 33, chapter 22, part 20; or

(g) the delivery to the secretary of state, pursuant to 15-31-603, of the name, address, and business activity code of any corporation, business trust, limited partnership, limited liability company, or limited liability partnership that filed a tax return or report required by this chapter.

(4) The department shall on request:

(a) allow the inspection of returns and reports by the legislative auditor, but the information furnished to the legislative auditor is subject to the same restrictions on disclosure outside that office as provided in subsection (1); and

(b) deliver corporation income tax data to the legislative fiscal analyst and the office of budget and program planning, but the information furnished to the legislative fiscal analyst and the office of budget and program planning is subject to the same restrictions on disclosure outside those offices as provided in subsection (1);

(c) provide to the commissioner of insurance's office information necessary for the administration of Title 33; and

(d) provide to the office of securities commissioner information necessary for the administration of Title 30, chapter 10.

(5) A person convicted of violating this section shall be fined not to exceed \$1,000 or be imprisoned in the county jail for a term not to exceed 1 year, or both. If a public servant, as defined in 45-2-101, is convicted of violating this section, the person forfeits office and may not hold any public office or public employment in the state for a period of 1 year after conviction.""

**Insert: "Section 85.** Section 15-31-603, MCA, is amended to read:

**"15-31-603. List of entities furnished by and to secretary of state.** (1) On or before the 15th day of each month, the secretary of state shall provide a list of all new corporations, business trusts, limited partnerships, limited liability companies, and limited liability partnerships, foreign and domestic, subject to the terms of Title 35, chapters

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1, 4, 5, 8 through 10, and 12, to the department ~~of revenue~~. The list must include the following information:

- ~~(1)(a)~~ the name of the entity;
- ~~(2)(b)~~ the principal office of the entity;
- ~~(3)(c)~~ the name and address of the registered agent of the entity in Montana, if applicable; ~~and~~
- ~~(d)~~ the federal tax identification number of the entity, if applicable; and
- ~~(4)(e)~~ other information that the director of the department ~~of revenue~~ may require.

(2) On or before December 15 of each year, the department shall furnish to the secretary of state a list of all corporations, business trusts, limited partnerships, limited liability companies, and limited liability partnerships that have filed a tax return or report required by chapter 30 or 31. The list must include the following information:

- (a) the name of the entity;
- (b) the address of the entity; and
- (c) the business activity code of the entity, if available."

**Insert: "Section 86.** Section 15-32-109, MCA, is amended to read:

**"15-32-109. Credit for energy-conserving expenditures.** (1) Subject to the restrictions of ~~subsection (2)~~ subsections (4) and (5), a resident individual taxpayer may take a credit against the taxpayer's tax liability under chapter 30 for 25% of the taxpayer's expenditure for a capital investment in the physical attributes of a building or the installation of a water, lighting, heating, or cooling system in the building, ~~so as long as either type of investment is the investments are~~ for an energy conservation purpose, in an amount not to exceed ~~\$500~~ \$800.

(2) (a) Subject to the restrictions of subsections (4) and (5), a resident individual taxpayer with a family income of less than or equal to the amount established in subsection (2)(b) may take a credit against the taxpayer's tax liability under chapter 30 for 25% of the taxpayer's expenditure for a capital investment in the physical attributes of a building or the installation of a water, lighting, heating, or cooling system in the building as long as the investments are for an energy conservation purpose, in an amount not to exceed \$800.

(b) To be eligible for the credit allowed by this subsection (2), a single taxpayer may not have a Montana adjusted gross income in excess of \$11,280 and married couples filing jointly or separately on the same form may not have a Montana adjusted gross income in excess of \$14,590. The department, by November 1 of each year, shall multiply the income amounts in this subsection (2)(b) by the inflation factor for that year and round the product to the nearest \$10. The resulting adjusted income is effective for that tax year and must be used in determining the eligibility for the credit allowed by this subsection (2).

(3) Subject to the restrictions of subsections (4) through (7), a credit of 25% of expenditures for capital investments by a limited liability company, an S. corporation, a partnership, or a disregarded entity that is not a limited liability company, in the physical attributes of a residential rental building or in the installation of a water, lighting, refrigeration, heating, or cooling system in the building, as long as the investments are for an energy conservation purpose, in an amount not to exceed \$800, may be claimed as provided in subsection (7) by owners of the entity against their tax liability under chapter 30.

(4) An expenditure by a taxpayer or pass-through entity may be claimed for credit under subsection (1), (2), or (3) but may be claimed under only one of those subsections.

~~(2)(5)~~ The credit credits under ~~subsection subsections~~ (1):

- ~~(a) may not exceed the taxpayer's tax liability; and~~
- ~~(b) is through (3) are~~ subject to the provisions of 15-32-104.

(6) The credits under subsections (1) and (3) may not exceed the taxpayer's tax liability. If the amount of the tax credit under subsection (2) exceeds the taxpayer's income tax liability for the tax year, the amount of the excess must be refunded to the taxpayer. The credit may be claimed even if the claimant has no taxable income.

(7) If the expenditure was made by an S. corporation, the shareholders may claim a pro rata share of the tax credit. If the expenditure was made by a limited liability company that is treated as an S. corporation for income tax purposes, the members may claim a pro rata share of the tax credit. If the expenditure was made by a partnership or by a limited liability company that is treated as a partnership for income tax purposes, the credit may be claimed by the partners or members who are individuals, trusts, or estates and who are subject to tax under chapter 30 in the same proportion used to report the partnership's income or loss for Montana income tax purposes. If the expenditure was made by a limited liability company that is a disregarded entity or by another disregarded entity and if the disregarded entity's items of income, deduction, and credit are reported in the Montana income tax returns of an

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individual, the credit may be claimed by the individual.'" "

**Insert: "Section 87.** Section 15-35-104, MCA, is amended to read:

**"15-35-104. Quarterly statement and payment of tax.** Each coal mine operator shall compute the severance tax due on each quarter-year's worth of production on forms prescribed by the department. The statement ~~shall~~ must indicate the tonnage produced, the average Btu value of the production, the contract sales price received for the production, and ~~such any~~ any other information ~~as that~~ that the department may require. ~~Each coal mine operator shall provide a statement of the tons of coal sold to each purchaser for the quarter.~~ The completed form ~~in duplicate~~, with the tax payment, ~~shall~~ must be delivered to the department not later than 30 days following the close of the quarter. The form ~~shall~~ must be signed by the operator if the operator is an individual or by an officer of the coal mine operator if the operator is a business entity. A person operating more than one coal mine in this state may include all of ~~his~~ the operator's mines in one statement. The department may grant a reasonable extension of time for filing statements and payment of taxes due upon good cause shown ~~therefor~~.'" "

**Insert: "Section 88.** Section 15-36-313, MCA, is amended to read:

**"15-36-313. Procedure to compute tax in absence of statement -- estimation of tax -- failure to file penalty and interest.** (1) If the operator fails to file any statement required by 15-36-311 within the time required, the department shall, ~~immediately after the time has expired~~, ascertain the number of barrels of oil or cubic feet of gas produced and sold by the person in this state during the quarter and during each month of the quarter. The department also shall determine the average value of the barrels of oil produced and sold during each month or the average value of cubic feet of gas produced and sold during each month and fix the amount of the taxes due from the person for the quarter.

(2) The department shall impose penalty and interest as provided in 15-1-216. The department shall mail to the taxpayer a notice, pursuant to 15-1-211, of the tax, penalty, and interest proposed to be assessed. The taxpayer may seek review of the determination pursuant to 15-1-211. The notice must contain a statement that if payment is not made, a warrant for distraint may be filed. The department may waive any penalty pursuant to 15-1-206.'" "

**Insert: "Section 89.** Section 15-39-105, MCA, is amended to read:

**"15-39-105. Penalties and interest for violation.** (1) ~~(a)~~ A person who fails to file a statement as required by 15-39-102 must be assessed a penalty as provided in 15-1-216. The department may waive the penalty as provided in 15-1-206.

~~(b)(2)~~ (2) A person who fails to file the statement required by 15-39-102 ~~and or~~ to pay the tax before the due date must be assessed ~~a penalty~~ penalties and interest as provided in 15-1-216. The department may waive any penalty pursuant to 15-1-206.

~~(2) A person who purposely fails to pay the tax when due must be assessed an additional penalty as provided in 15-1-216(1)(d).~~" "

**Insert: "Section 90.** Section 15-39-107, MCA, is amended to read:

**"15-39-107. Interest on deficiency -- penalty.** (1) Interest accrues on unpaid or delinquent taxes as provided in 15-1-216. The interest must be computed from the date on which the statement and tax were originally due.

(2) If the payment of a tax deficiency is not made within 60 days after it is due and payable and if the deficiency is due to negligence on the part of the taxpayer but without fraud, the penalty imposed by ~~15-1-216(1)(c)~~ 15-1-216(2) must be added to the amount of the deficiency.'" "

**Insert: "Section 91.** Section 15-62-207, MCA, is amended to read:

**"15-62-207. Deductions for contributions.** An individual who contributes to one or more accounts in a tax year is entitled to reduce the individual's adjusted gross income, in accordance with 15-30-111~~(8)~~(7), by the total amount of the contributions, but not more than \$3,000. The contribution must be made to an account owned by the contributor, the contributor's spouse, or the contributor's child or stepchild if the contributor's child or stepchild is a Montana resident.'" "

**Insert: "Section 92.** Section 15-62-208, MCA, is amended to read:

**"15-62-208. Tax on certain withdrawals of deductible contributions.** (1) There is a recapture tax at a rate equal to the highest rate of tax provided in 15-30-103 on the recapturable withdrawal of amounts that reduced adjusted gross income under 15-30-111~~(8)~~(7)."



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(2) For purposes of determining the portion of a recapturable withdrawal that reduced adjusted gross income, all withdrawals must be allocated between income and contributions in accordance with the principles applicable under section 529(c)(3)(A) of the Internal Revenue Code ~~of 1986~~, 26 U.S.C. 529(c)(3)(A). The portion of a recapturable withdrawal that is allocated to contributions must be treated as derived first from contributions, if any, that did not reduce adjusted gross income, to the extent of those contributions, and then to contributions that reduced adjusted gross income. The portion of any other withdrawal that is allocated to contributions must be treated as first derived from contributions that reduced adjusted gross income, to the extent of the contributions, and then to contributions that did not reduce adjusted gross income.

(3) (a) The recapture tax imposed by this section is payable by the owner of the account from which the withdrawal or contribution was made. The tax liability must be reported on the income tax return of the account owner and is payable with the income tax payment for the year of the withdrawal or at the time that an income tax payment would be due for the year of the withdrawal. The account owner is liable for the tax even if the account owner is not a Montana resident at the time of the withdrawal.

(b) The department may require withholding on recapturable withdrawals from an account that was at one time owned by a Montana resident if the account owner is not a Montana resident at the time of the withdrawal. For the purposes of this subsection (3)(b), amounts rolled over from an account that was at one time owned by a Montana resident must be treated as if the account is owned by a resident of Montana.

(4) For the purposes of this section, all contributions made to accounts by residents of Montana are presumed to have reduced the contributor's adjusted gross income unless the contributor can demonstrate that all or a portion of the contributions did not reduce adjusted gross income. Contributors who claim deductions for contributions shall report on their Montana income tax returns the amount of deductible contributions made to accounts for each designated beneficiary and the social security number of each designated beneficiary.

(5) As used in this section, "recapturable withdrawal" means a withdrawal or distribution that is a nonqualified withdrawal or a withdrawal or distribution from an account that was opened after the later of:

(a) April 30, 2001; or

(b) the date that is 3 years prior to the date of the withdrawal or distribution.

(6) The department shall use all means available for the administration and enforcement of income tax laws in the administration and enforcement of this section."

**Insert: "Section 93.** Section 15-65-101, MCA, is amended to read:

**"15-65-101. Definitions.** For purposes of this part, the following definitions apply:

(1) ~~(a) "Accommodation charge" means the fee charged by the owner or operator of a facility to the user for use of the a facility located in the state for lodging;~~

(b) Accommodation charge includes amounts charged to the user for reserving use of the facility, processing the reservation, or providing any other service, including bath house facilities, in connection with a user's use of the facility for lodging.

~~(c) but excluding~~ The term does not include separately stated charges for meals, transportation, entertainment, or any other similar charges unrelated to a user's use of the facility for lodging or charges for rooms used for purposes other than lodging.

(2) (a) "Campground" means a place, ~~publicly or privately owned~~, used for public camping where persons may camp, secure tents, or park individual recreational vehicles for camping and sleeping purposes.

(b) The term does not include that portion of a trailer court, trailer park, or mobile home park intended for occupancy by trailers or mobile homes for resident dwelling purposes for periods of 30 consecutive days or more.

(3) "Council" means the tourism advisory council established in 2-15-1816.

(4) (a) "Facility" means a building or structure containing one or more individual sleeping rooms or suites; ~~providing that provides~~ overnight lodging facilities for periods of less than 30 days to the general public for compensation.

(b) The term includes a facility or accommodations represented to the public as a hotel, motel, campground, resort, dormitory, condominium inn, dude ranch, guest ranch, hostel, public lodginghouse, or bed and breakfast facility.

(c) For the purposes of administering the tax on accommodation charges imposed under Title 15, chapter 68, and the tax imposed on accommodation charges under this part, facility has the same meaning as

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accommodations, as defined in 15-68-101.

~~(b)(d)~~ The term does not include:

- (i) any health care facility, as defined in 50-5-101;
- (ii) any facility owned by a corporation organized under Title 35, chapter 2 or 3, that is used primarily by persons under the age of 18 years for camping purposes;
- (iii) any hotel, motel, hostel, public lodginghouse, or bed and breakfast facility whose average daily accommodation charge for single occupancy does not exceed 60% of the amount authorized under 2-18-501 for the actual cost of lodging for travel within the state of Montana; or
- (iv) any other facility that is rented solely on a monthly basis or for a period of 30 days or more.

(5) "Intermediary" means a person, other than the owner or operator of the facility, who collects an accommodation charge from a user.

~~(5)(6)~~ "Nonprofit convention and visitors bureau" means a nonprofit corporation organized under Montana law and recognized by a majority of the governing body in the city, consolidated city-county, resort area, or resort area district in which the bureau is located.

~~(6)(7)~~ "Regional nonprofit tourism corporation" means a nonprofit corporation organized under Montana law and recognized by the council as the entity for promoting tourism within one of several regions established by executive order of the governor.

~~(7)(8)~~ "Resort area" means an area established pursuant to 7-6-1508.

~~(8)(9)~~ "Resort area district" has the meaning provided in 7-6-1531.

(10) "User" has the meaning provided in 15-68-101."

**"Section 94.** Section 15-65-102, MCA, is amended to read:

**"15-65-102. Rulemaking authority.** The department ~~of revenue~~ shall adopt ~~such~~ rules ~~as that~~ may be necessary to implement and administer this part. Unless otherwise specifically provided by law, the provisions of Title 15, chapter 68, and this part must be interpreted and administered together. The department shall adopt rules and provide a single form for reporting taxes imposed under Title 15, chapter 68, and this part."

**Insert: "Section 95.** Section 15-65-111, MCA, is amended to read:

**"15-65-111. Tax rate -- no advertising to absorb or refund tax.** (1) There is imposed on the user of a facility a tax at a rate equal to 4% of the accommodation charge collected from the user by the owner or operator of the facility or by an intermediary.

(2) ~~Accommodation charges do not include charges for rooms used for purposes other than lodging. A person may not advertise, hold out, or state to the public or to any user that the tax imposed under this section will be absorbed or refunded."~~

**Insert: "Section 96.** Section 15-65-112, MCA, is amended to read:

**"15-65-112. Collection and reporting.** (1) ~~The owner or operator of a facility~~ Except as provided in subsection (2), a person who collects an accommodation charge from a user shall:

- (a) collect the ~~tax~~ taxes imposed by 15-65-111 and 15-68-102 ; and
- (b) on or before the end of the calendar month following the end of each calendar quarter:

~~(2) The owner or operator shall~~  
~~(i) report to the department of revenue, at the end of each calendar quarter, the gross receipts collected during that the quarter attributable to accommodation charges for the use of the facility. The report is due on or before the last day of the month following the end of the calendar quarter and must be accompanied by a payment in an amount equal to the tax required to be collected under subsection (1) and any additional information that the department requires; and~~

(ii) remit to the department with the report described in subsection (1)(b)(i) the taxes collected on accommodation charges during the calendar quarter.

(2) (a) Except as provided in subsection (2)(b), a report is not required for a hotel, motel, hostel, public lodginghouse, or bed and breakfast facility described in 15-65-101(4)(d)(iii).

(b) The owner or operator of a facility described under subsection (2)(a) shall annually report, at a time prescribed by the department, the information that the department requests to verify the average daily accommodation charge."

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**Insert: "Section 97.** Section 15-65-113, MCA, is amended to read:

**"15-65-113. Audits -- records -- revision of return.** (1) The department ~~of revenue~~ may audit the books and records of ~~any an~~ owner or operator of a facility or an intermediary to ensure that the proper amount of tax imposed by 15-65-111 has been collected. An audit may be done on the premises of the owner, ~~or operator, of a facility or intermediary~~ or at any other convenient location.

(2) The department may request the owner or operator of a facility or an intermediary to provide the department with books, ~~ledgers, registers papers, records, memoranda,~~ or other documents ~~necessary to verify the correct amount of tax as provided in 15-68-502(4).~~

(3) ~~The~~ Each owner or operator of a facility or intermediary shall maintain and have available for inspection by the department books, ~~ledgers, registers papers, records, memoranda,~~ or other documents showing the collection of accommodation charges for the preceding 5 years.

(4) Except in the case of a person who, with intent to evade the tax, purposely or knowingly files a false or fraudulent return violating the provisions of this part, the amount of tax due under any return must be determined by the department within 5 years after the return is made; ~~and the department thereafter is barred from revising any such~~ After the 5-year period, the department may not revise the return or recomputing ~~recompute~~ the tax due ~~thereon, on the return, and no A~~ proceeding in court for the collection of the tax may not be instituted unless notice of any additional tax is provided within such the 5-year period.

(5) An owner or operator of a facility or an intermediary may file an application for revision ~~may be filed of a return with the department by an owner or operator of a facility~~ within 5 years from the original due date of the return.""

**Insert: "Section 98.** Section 15-65-114, MCA, is amended to read:

**"15-65-114. Registration number -- application to department.** (1) ~~The owner or operator of a facility~~ Each person that collects an accommodation charge from a user shall ~~apply to the department of revenue for a registration number~~ obtain a permit as provided in 15-68-402.

~~(2) The application must be made on a form provided by the department.~~

~~(3)~~(2) Upon completion ~~of the application~~ and delivery of the permit application to the department, the department ~~must~~ shall assign a registration number to the owner, operator, ~~or facility, or intermediary,~~ as appropriate.""

**Insert: "Section 99.** Section 15-65-115, MCA, is amended to read:

**"15-65-115. Failure to pay or file -- penalty and interest -- review -- interest application of sales and use tax provisions.** (1) An owner or operator of a facility who fails to file the report as required by 15-65-112 must be assessed a penalty as provided in 15-1-216. The department may waive any penalty as provided in 15-1-206.

~~(2) An owner or operator of a facility who fails to make payment or fails to report and make payment as required by 15-65-112 must be assessed penalty and interest as provided in 15-1-216. The department may waive any penalty pursuant to 15-1-206.~~

~~(3)~~(a) If an owner or operator of a facility or an intermediary fails to file the report required by 15-65-112 or if the department determines that the report understates the amount of tax due, the department may determine the amount of the tax due and assess that amount against the owner or operator or the intermediary. The provisions of ~~15-1-211~~ 15-68-513, 15-68-514, and 15-68-516 apply to any assessment and collection of delinquent taxes by the department and to taxpayer objections and rights. ~~The taxpayer may seek review of the assessment pursuant to 15-1-211.~~

~~(b)~~(2) When a deficiency is determined and the tax becomes final, the department shall mail a notice and demand for payment to the owner or operator or the intermediary. ~~Penalty and interest must be added to any deficiency assessment as provided in 15-1-216."~~

**Insert: "Section 100.** Section 15-68-101, MCA, is amended to read:

**"15-68-101. Definitions.** For purposes of this chapter, unless the context requires otherwise, the following definitions apply:

(1) (a) "Accommodations" means a building or structure containing one or more individual sleeping rooms or suites that provides overnight lodging facilities for periods of less than 30 days to the general public for compensation.

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(b) Accommodations includes a facility represented to the public as a hotel, motel, campground, resort, dormitory, condominium inn, dude ranch, guest ranch, hostel, public lodginghouse, timeshare available for rental, vacation home rental, or bed and breakfast facility.

(c) For the purposes of administering the tax imposed on accommodation charges under Title 15, chapter 65, and the tax imposed on accommodation charges under this chapter, accommodations has the same meaning as facility, as defined in 15-65-101.

~~(c)~~(d) The term does not include:

(i) a health care facility, as defined in 50-5-101;

(ii) any facility owned by a corporation organized under Title 35, chapter 2 or 3, that is used primarily by persons under 18 years of age for camping purposes;

(iii) any hotel, motel, hostel, public lodginghouse, or bed and breakfast facility whose average daily accommodation charge for single occupancy does not exceed 60% of the amount authorized under 2-18-501 for the actual cost of lodging for travel within the state of Montana; or

(iv) any other facility that is rented solely on a monthly basis or for a period of 30 days or more.

(2) "Accommodation charge" has the meaning provided in 15-65-101.

~~(2)~~(3) (a) "Admission" means payment made for the privilege of being admitted to a facility, place, or event.

(b) The term does not include payment for admittance to a movie theater or to a sporting event sanctioned by a school district, college, or university.

~~(3)~~(4) (a) "Base rental charge" means the following:

(i) charges for time of use of the rental vehicle and mileage, if applicable;

(ii) charges accepted by the renter for personal accident insurance;

(iii) charges for additional drivers or underage drivers; and

(iv) charges for child safety restraints, luggage racks, ski racks, or other accessory equipment for the rental vehicle.

(b) The term does not include:

(i) rental vehicle price discounts allowed and taken;

(ii) rental charges or other charges or fees imposed on the ~~rental vehicle~~ owner or operator of the rental vehicle business for the privilege of operating as a concessionaire at an airport terminal building;

(iii) motor fuel;

(iv) intercity rental vehicle drop charges; or

(v) taxes imposed by the federal government or by state or local governments.

~~(4)~~(5) (a) "Campground" ~~means a place used for public camping where persons may camp, secure tents, or park individual recreational vehicles for camping and sleeping purposes.~~

~~(b) The term does not include that portion of a trailer court, trailer park, or mobile home park intended for occupancy by trailers or mobile homes for resident dwelling purposes for periods of 30 consecutive days or more has the meaning provided in 15-65-101.~~

~~(5)~~(6) "Engaging in business" means carrying on or causing to be carried on any activity with the purpose of receiving direct or indirect benefit.

(7) "Intermediary" means any person, other than the owner or operator of the accommodations or the owner or operator of a rental vehicle business, who collects an accommodation charge from a user or base rental charge from a purchaser, or both.

~~(6)~~(8) (a) "Lease", "leasing", or "rental" means any transfer of possession or control of tangible personal property for a fixed or indeterminate term for consideration. A lease or rental may include future options to purchase or extend.

(b) Lease or rental includes agreements covering motor vehicles and trailers when the amount of consideration may be increased or decreased by reference to the amount realized upon sale or disposition of the property, as defined in 26 U.S.C. 7701(h)(1).

(c) The term does not include:

(i) a transfer of possession or control of property under a security agreement or deferred payment plan that requires the transfer of title upon completion of the required payments;

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(ii) a transfer of possession or control of property under an agreement that requires the transfer of title upon completion of required payments and payment of an option price that does not exceed the greater of \$100 or 1% of the total required payments; or

(iii) providing tangible personal property with an operator if an operator is necessary for the equipment to perform as designed and not just to maintain, inspect, or set up the tangible personal property.

(d) This definition must be used for sales tax and use tax purposes regardless of whether a transaction is characterized as a lease or rental under generally accepted accounting principles, the Internal Revenue Code, the Montana Uniform Commercial Code, or other provisions of federal, state, or local law.

(e) This definition must be applied only prospectively from the date of adoption and has no retroactive impact on existing leases or rentals.

~~(7)(9)~~ (a) "Motor vehicle" means a light vehicle as defined in 61-1-101, a motorcycle as defined in 61-1-101, a motor-driven cycle as defined in 61-1-101, a quadricycle as defined in 61-1-101, a motorboat or a sailboat as defined in 23-2-502, or an off-highway vehicle as defined in 23-2-801 that:

(i) is rented for a period of not more than 30 days;

(ii) is rented without a driver, pilot, or operator; and

(iii) is designed to transport 15 or fewer passengers.

(b) Motor vehicle includes:

(i) a rental vehicle rented pursuant to a contract for insurance; and

(ii) a truck, trailer, or semitrailer that has a gross vehicle weight of less than 22,000 pounds, that is rented without a driver, and that is used in the transportation of personal property.

(c) The term does not include farm vehicles, machinery, or equipment.

~~(8)(10)~~ "Permit" or "seller's permit" means a seller's permit as described in 15-68-401.

~~(9)(11)~~ "Person" means an individual, estate, trust, fiduciary, corporation, partnership, limited liability company, limited liability partnership, or any other legal entity.

~~(10)(12)~~ "Purchaser" means a person to whom a sale of personal property is made or to whom a service is furnished.

~~(11)(13)~~ "Rental vehicle" means a motor vehicle that is used for or by a person other than the owner of the motor vehicle through an arrangement and for consideration.

~~(12)(14)~~ "Retail sale" means any sale, lease, or rental for any purpose other than for resale, sublease, or subrent. The term includes an intermediary's collection of an accommodation charge from a user and an intermediary's collection of a base rental charge from a purchaser.

~~(13)(15)~~ "Sale" or "selling" means the transfer of property for consideration or the performance of a service for consideration.

~~(14)(16)~~ (a) "Sales price" applies to the measure subject to sales tax and, except as provided in subsections (16)(c) and (16)(d), means the total amount or consideration, including cash, credit, property, and services, for which personal property or services are sold, leased, or rented or valued in money, whether received in money or otherwise, without any deduction for the following:

(i) the seller's cost of the property sold;

(ii) the cost of materials used, labor or service costs, interest, losses, all costs of transportation to the seller, all taxes imposed on the seller, and any other expense of the seller;

(iii) charges by the seller for any services necessary to complete the sale, other than delivery and installation charges;

(iv) delivery charges;

(v) installation charges;

(vi) the value of exempt personal property given to the purchaser when taxable and exempt personal property have been bundled together and sold by the seller as a single product or piece of merchandise; and

(vii) credit for any trade-in.

(b) The amount received for charges listed in subsections ~~(14)(a)(iii)~~ (16)(a)(iii) through ~~(14)(a)(vii)~~ (16)(a)(vii) are excluded from the sales price if they are separately stated on the invoice, billing, or similar document given to the purchaser.

(c) When an intermediary collects an accommodation charge from a user, sales price means the

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accommodation charge.

(d) When an intermediary collects a base rental charge from a purchaser, sales price means the base rental charge.

~~(e)~~(e) The term does not include:

(i) discounts, including cash, term, or coupons that are not reimbursed by a third party that are allowed by a seller and taken by a purchaser on a sale;

(ii) interest, financing, and carrying charges from credit extended on the sale of personal property or services if the amount is separately stated on the invoice, bill of sale, or similar document given to the purchaser; or

(iii) any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale, or similar document given to the purchaser.

~~(f)~~(f) In an exchange in which the money or other consideration received does not represent the value of the property or service exchanged, sales price means the reasonable value of the property or service exchanged.

~~(g)~~(g) When the sale of property or services is made under any type of charge or conditional or time-sales contract or the leasing of property is made under a leasing contract, the seller or lessor shall treat the sales price, excluding any type of time-price differential, under the contract as the sales price at the time of the sale.

~~(15)~~(17) "Sales tax" and "use tax" mean the applicable tax imposed by 15-68-102 and, in the case of accommodations, the tax imposed by 15-65-111.

~~(16)~~(18) "Seller" means a person that makes sales, leases, or rentals of personal property or services. The term includes an intermediary that collects an accommodation charge from a user or a base rental charge from a purchaser, or both.

~~(17)~~(19) (a) "Service" means an activity that is engaged in for another person for consideration and that is distinguished from the sale or lease of property. Service includes activities performed by a person for its members or shareholders.

(b) In determining what a service is, the intended use, principal objective, or ultimate objective of the contracting parties is irrelevant.

~~(18)~~(20) "Use" or "using" includes use, consumption, or storage, other than storage for resale or for use solely outside this state, in the ordinary course of business.

(21) "User" means a purchaser to whom the use of accommodations is provided."

**Insert: "Section 101.** Section 15-68-110, MCA, is amended to read:

**"15-68-110. Collection of sales tax and use tax -- listing of business locations and agents -- severability.**

(1) A person engaging in the business of selling property or services subject to taxation under this chapter shall collect the sales tax from the purchaser and pay the sales tax collected to the department.

(2) A person engaging in business within this state shall, before making any sales subject to this chapter, obtain a seller's permit, as provided in 15-68-401, and at the time of making a sale, whether within or outside the state, collect the sales tax imposed by 15-68-102 from the purchaser and give to the purchaser a receipt, in the manner and form prescribed by rule, for the sales tax paid.

(3) The department may authorize the collection of the sales tax imposed by 15-68-102 by any ~~retailer~~ person who does not maintain a place of business within this state but who, to the satisfaction of the department, is in compliance with the law. When authorized, the person shall collect the use tax upon all property and services that, to the person's knowledge, are for use within this state and subject to taxation under this chapter.

(4) All sales tax and use tax required to be collected and all sales tax and use tax collected by any person under this chapter constitute a debt owed to this state by the person required to collect the sales tax and use tax.

(5) A person engaging in business within this state that is subject to this chapter shall provide to the department:

(a) the names and addresses of all of the person's agents operating within this state; and

(b) the location of each of the person's distribution houses or offices, sales houses or offices, and other places of business within this state.

(6) If any application of this section is held invalid, the application to other situations or persons is not affected.""

**Insert: "Section 102.** Section 15-68-210, MCA, is amended to read:

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**"15-68-210. Nontaxability -- lease for subsequent lease.** (1) Except as provided in subsection (2), the lease of property is nontaxable if:

~~(1)(a)~~ the lease is made to a lessee who delivers a nontaxable transaction certificate; and  
~~(2)(b)~~ the lessee does not use the property in any manner other than for subsequent lease in the ordinary course of business.

(2) An intermediary's collection of an accommodation charge from a user or a base rental charge from a purchaser is taxable."

**Insert: "Section 103.** Section 15-68-402, MCA, is amended to read:

**"15-68-402. Permit application -- requirements -- place of business -- form.** (1) (a) A person that wishes to engage in the business of making retail sales or providing services in Montana, collecting accommodation charges for accommodations located in Montana, or collecting base rental charges for vehicles located in Montana that are subject to this chapter shall file with the department an application for a permit. If the person has more than one location in which the person maintains an office or other place of business, an application may include multiple locations.

(b) ~~An~~ Except as provided in subsection (1)(c), an applicant who does not maintain an office or other place of business ~~and in the state or~~ who moves from place to place is considered to have only one place of business and shall attach the permit to the applicant's cart, stand, truck, or other merchandising device.

(c) An intermediary who does not maintain an office or other place of business in the state shall provide a copy of the permit on request of the department or any user or purchaser.

(2) Each person or class of persons required to file a return under Title 15, chapter 65, or this chapter is required to file an application for a permit.

(3) Each application for a permit must be on a form prescribed by the department and must set forth the name under which the applicant intends to transact business, the location of the applicant's place or places of business, and other information that the department may require. The application must be filed by the owner if the owner is a natural person or by a person authorized to sign the application if the owner is a corporation, partnership, limited liability company, or some other business entity."

**Insert: "Section 104.** Section 15-68-501, MCA, is amended to read:

**"15-68-501. Liability for payment of tax -- security for retailer person without place of business -- penalty.** (1) Liability for the payment of the sales tax and use tax is not extinguished until the taxes have been paid to the department.

(2) A retailer person that does not maintain an office or other place of business within this state is liable for the sales tax or use tax in accordance with this chapter and may be required to furnish adequate security, as provided in 15-68-512, to ensure collection and payment of the taxes. When authorized and except as otherwise provided in this chapter, the retailer person is liable for the taxes upon all property sold and services provided in this state, accommodation charges collected for accommodations located in this state, and base rental charges for vehicles located in this state in the same manner as a retailer person who maintains an office or other place of business within this state. The seller's permit provided for in 15-68-401 may be canceled at any time if the department considers the security inadequate or believes that the taxes can be collected more effectively in another manner.

(3) An agent, canvasser, or employee of a retailer or intermediary doing business within this state may not sell, solicit orders for, ~~or~~ deliver any property or services within Montana, collect any accommodation charges for accommodations located within Montana, or collect any base rental charges for vehicles located in Montana unless the principal, employer, intermediary, or retailer possesses a seller's permit issued by the department. If an agent, canvasser, or employee violates the provisions of this chapter, the person is subject to a fine of not more than \$100 for each separate transaction or event."

**Insert: "Section 105.** Section 15-68-502, MCA, is amended to read:

**"15-68-502. Returns -- payment -- electronic filing for intermediaries -- authority of department.** (1) (a) Except as provided in subsection (2), on or before the last day of the month following the calendar quarter in which the transaction subject to the tax imposed by this chapter occurred, a return, on a form provided by the department, and payment of the tax for the preceding quarter must be filed with the department. Each person engaged in business within this state, ~~or~~ using property or services within this state that are subject to tax under this chapter,

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collecting an accommodation charge for an accommodation located in the state, or collecting a base rental charge for a vehicle located in the state shall file a return. ★ Except as provided in subsection (1)(b), a person making retail sales at two or more places of business shall file a separate return for each separate place of business.

(b) An intermediary collecting accommodation charges for two or more accommodations within the state or accommodation charges and base rental charges shall file a single return on a form provided by the department. The department shall, subject to the availability of resources, provide intermediaries with an electronic filing option for the reporting and remittance of the lodging facility use tax imposed under Title 15, chapter 65, and the sales and use tax imposed by this chapter.

(2) A person who has been issued a seasonal seller's permit shall file a return and pay the tax on the date or dates set by the department.

(3) (a) For the purposes of the sales tax or use tax, a return must be filed by:

(i) a retailer or intermediary required to collect the tax; and

(ii) a person that:

(A) purchases any items the storage, use, or other consumption of which is subject to the sales tax or use tax; and

(B) has not paid the tax to a retailer required to pay the tax.

(b) Each return must be authenticated by the person filing the return or by the person's agent authorized in writing to file the return.

(4) (a) A person required to collect and pay to the department the taxes imposed by this chapter shall keep records, render statements, make returns, and comply with the provisions of this chapter and the rules prescribed by the department. Each return or statement must include the information required by the rules of the department.

(b) For the purpose of determining compliance with the provisions of this chapter, the department is authorized to examine or cause to be examined any books, papers, records, ~~or~~ memoranda, or other documents relevant to making a determination of the amount of tax due, whether the books, papers, records, ~~or~~ memoranda, or other documents are the property of or in the possession of the person filing the return or another person. In determining compliance, the department may use statistical sampling and other sampling techniques consistent with generally accepted auditing standards. The department may also:

(i) require the attendance of a person having knowledge or information relevant to a return;

(ii) compel the production of books, papers, records, ~~or~~ memoranda, or other documents by the person required to attend;

(iii) implement the provisions of 15-1-703 if the department determines that the collection of the tax is or may be jeopardized because of delay;

(iv) take testimony on matters material to the determination; and

(v) administer oaths or affirmations.

(5) Pursuant to rules established by the department, returns may be computer-generated and electronically filed.""

**Insert: "Section 106.** Section 15-68-510, MCA, is amended to read:

**"15-68-510. Vendor allowance.** (1) A person filing a timely return under 15-68-502 may claim a quarterly vendor allowance for each permitted location in the amount of 5% of the tax determined to be payable to the state, not to exceed \$1,000 a quarter. An intermediary filing a timely return under 15-68-502 may claim a quarterly vendor allowance in the amount of 5% of the tax determined to be payable to the state, not to exceed \$1,000 a quarter. The vendor allowance does not apply to the lodging facility use tax collected under 15-65-112.

(2) The allowance may be deducted on the return.

(3) A person that files a return or payment after the due date for the return or payment may not claim a vendor allowance.""

**Insert: "Section 107.** Section 15-68-512, MCA, is amended to read:

**"15-68-512. Security -- limitations -- sale of security deposit at auction -- bond.** (1) The department may require a retailer or an intermediary to deposit, with the department, security in a form and amount that the department, by administrative rule, determines is appropriate. The deposit may not be more than twice the estimated average liability, including the average tax liability for the tax imposed under Title 15, chapter 65, for the period for which the return is required to be filed. The amount of security may be increased or decreased by the department,



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subject to the limitations provided in this section.

(2) (a) If necessary, the department may sell, at public auction, property deposited as security to recover any sales tax or use tax amount required to be collected, including interest and penalties.

(b) Notice of the sale must be served personally upon or sent by certified mail to the person that deposited the security.

(c) After the sale, any surplus above the amount due that is not required as security under this section must be returned to the person that deposited the security.

(3) In lieu of security, the department may require a retailer or an intermediary to file a bond, issued by a surety company authorized to transact business within this state, to guarantee solvency and responsibility.

(4) In addition to the other requirements of this section, the department may require the corporate officers, directors, or shareholders of a corporation to provide a personal guaranty and assumption of liability for the payment of the tax due under this chapter."

**Insert: "Section 108.** Section 15-68-516, MCA, is amended to read:

**"15-68-516. Authority to collect delinquent taxes.** (1) (a) The department shall collect taxes that are delinquent as determined under 15-65-115 or this chapter, or both.

(b) If a tax imposed by 15-65-111 or this chapter, or both, or any portion of the tax is not paid when due, the department may issue a warrant for distraint as provided in Title 15, chapter 1, part 7.

(2) In addition to any other remedy, in order to collect delinquent taxes after the time for appeal has expired, the department may direct the offset of tax refunds or other funds due the taxpayer from the state, except wages subject to the provisions of 25-13-614 and retirement benefits.

(3) As provided in 15-1-705, the taxpayer has the right to a review of the tax liability prior to any offset by the department.

(4) The department may file a claim for state funds on behalf of the taxpayer if a claim is required before funds are available for offset."

**"Section 109.** Section 16-11-149, MCA, is amended to read:

**"16-11-149. Hearings before ~~state tax appeal board~~ department.** A person aggrieved by any action of the department or its authorized agents taken to enforce the tax provisions of this part, except for a revocation of a license pursuant to 16-11-144, may apply to the ~~state tax appeal board department~~, in writing, for a hearing or rehearing within 30 days after the action of the department or its authorized agents. The ~~board department~~ shall promptly consider the application, set the application for hearing, and notify the applicant of the time and place fixed for the hearing or rehearing, which may be at its office or in the county of the applicant. After the hearing or rehearing, the ~~board department~~ may make any further or other order in the premises as it may consider proper and lawful and shall furnish a copy to the applicant. The department, on its own initiative, may order a contested case hearing on any matter concerned with licensing, as defined in 2-4-102, in connection with the administration of this part upon at least 10 days' notice in writing to the person or persons to be investigated. A final order by the department may be appealed to the state tax appeal board."

**Insert: "Section 110.** Section 35-1-1104, MCA, is amended to read:

**"35-1-1104. Annual report for secretary of state.** (1) Each domestic corporation and each foreign corporation authorized to transact business in this state shall deliver to the secretary of state, for filing, an annual report that sets forth:

- (a) the name of the corporation and the state or country under whose law it is incorporated;
- (b) the mailing address and, if different, street address of its registered office and the name of its registered agent at that office in this state;
- (c) the address of its principal office;
- (d) the names and business addresses of its directors and principal officers;
- (e) a brief description of the nature of its business;
- (f) the total number of authorized shares, itemized by class and series, if any, within each class; ~~and~~
- (g) the total number of issued and outstanding shares, itemized by class and series, if any, within each class; and
- (h) the corporation's federal tax identification number.

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(2) Information in the annual report must be current as of the date the annual report is executed on behalf of the corporation.

(3) The first annual report must be delivered to the secretary of state between January 1 and April 15 of the year following the calendar year in which a domestic corporation was incorporated or a foreign corporation was authorized to transact business. Subsequent annual reports must be delivered to the secretary of state between January 1 and April 15.

(4) If an annual report does not contain the information required by this section, the secretary of state shall promptly notify the reporting domestic or foreign corporation in writing and return the report to it for correction. If the report is corrected to contain the information required by this section and delivered to the secretary of state within 30 days after the effective date of notice, it is considered to be timely filed.

(5) The tax identification of the corporation may not be disclosed except to the department of revenue pursuant to 15-31-603."

**Insert: "Section 111.** Section 35-8-208, MCA, is amended to read:

**"35-8-208. Annual report for secretary of state.** (1) A limited liability company or a foreign limited liability company authorized to transact business in this state shall deliver to the secretary of state, for filing, an annual report that sets forth:

(a) the name of the limited liability company and the state or country under whose law it is organized;  
(b) the mailing address and, if different, street address of its registered office and the name of its registered agent at that office in this state;

(c) the address of its principal office;

(d) (i) if the limited liability company is managed by a manager or managers, a statement that the company is managed in that fashion and the names and street addresses of the managers;

(ii) if the management of a limited liability company is reserved to the members, a statement to that effect;

(e) if the limited liability company is a professional limited liability company, a statement that all of its members and not less than one-half of its managers are qualified persons with respect to the limited liability company; and

(f) the limited liability company's tax identification number.

(2) Information in the annual report must be current as of the date the annual report is executed on behalf of the limited liability company.

(3) The first annual report must be delivered to the secretary of state between January 1 and April 15 of the year following the calendar year in which a domestic limited liability company is organized or a foreign limited liability company is authorized to transact business. Subsequent annual reports must be delivered to the secretary of state between January 1 and April 15.

(4) If an annual report does not contain the information required by this section, the secretary of state shall promptly notify the reporting domestic or foreign limited liability company in writing and return the report to it for correction.

(5) The annual report must be executed by at least one member of the limited liability company and must include the street address of the member.

(6) A domestic professional limited liability company or a foreign professional limited liability company authorized to transact business in this state shall annually file before April 15, with each licensing authority having jurisdiction over a professional service of a type described in its articles of organization, a statement of qualification setting forth the names and addresses of the members and managers of the company and additional information that the licensing authority may by rule prescribe as appropriate in determining whether the company is complying with the provisions of part 13 of this chapter and rules promulgated under part 13 of this chapter. The licensing authority may charge a fee to cover the cost of filing a statement of qualification.

(7) The tax identification number of the limited liability company may not be disclosed except to the department of revenue pursuant to 15-31-603."

**Insert: "Section 112.** Section 61-3-321, MCA, is amended to read:

**"61-3-321. Registration fees of vehicles and vessels -- certain vehicles exempt from registration fees -- disposition of fees.** (1) Except as otherwise provided in this section, registration fees must be paid upon

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registration or, if applicable, renewal of registration of motor vehicles, snowmobiles, watercraft, trailers, semitrailers, and pole trailers as provided in subsections (2) through (18):

(2) (a) Except as provided in subsection (2)(b), there is a registration fee imposed on light vehicles. The registration fee is in addition to other annual registration fees.

(b) The following vehicles are exempt from the registration fee imposed in this subsection (2):

(i) light vehicles that meet the description of property exempt from taxation under 15-6-201(1)(a), (1)(c), (1)(d), (1)(e), (1)(f), (1)(g), (1)(i), (1)(j), (1)(l), or (1)(m), 15-6-203, or 15-6-215, except as provided in 61-3-520;

(ii) a light vehicle owned by a person eligible for a waiver of registration fees under 61-3-460;

(iii) a light vehicle registered under 61-3-456; and

(iv) a new light vehicle that has an average estimated rating of at least 35 miles per gallon for highway driving, as reported in the current year's Fuel Economy Guide published by the U.S. department of energy and the U.S. environmental protection agency or as reported in another national guide that contains the ratings from the Fuel Economy Guide. To qualify for the exemption under this subsection (2)(b)(iv), the first-time registration of the light vehicle must occur in Montana and the light vehicle must meet the conditions of a new motor vehicle as defined in 61-1-101. The exemption applies only to the initial registration period and to the subsequent registration period under 61-3-311 if the registration period is for 1 year. If the initial registration period is for 2 years, the exemption applies only to that registration period. The exemption period may not exceed 2 years.

(c) The owner of a light vehicle subject to the provisions of 61-3-313 through 61-3-316 may register the light vehicle for a period not to exceed 24 months. The application for registration or reregistration must be accompanied by the registration fee and all other fees required in this chapter for each 12-month period of the 24-month period.

(d) The annual registration fee for light vehicles, trucks and buses under 1 ton, and logging trucks less than 1 ton is as follows:

(i) if the vehicle is 4 or less years old, \$217;

(ii) if the vehicle is 5 through 10 years old, \$87; and

(iii) if the vehicle is 11 or more years old, \$28;

(e) The owner of a light vehicle 11 years old or older may permanently register the light vehicle as provided in 61-3-562.

(3) (a) Except as provided in subsection (3)(c), the owner of a trailer, semitrailer, or pole trailer that has a declared weight of less than 6,000 pounds shall pay a one-time fee of \$61.25.

(b) The owner of a trailer, semitrailer, or pole trailer with a declared weight of 6,000 pounds or more shall pay a one-time fee of \$148.25.

(c) Except as provided in subsection (17), whenever a transfer of ownership of a trailer, semitrailer, or pole trailer described in subsection (3)(a) or (3)(b) occurs, the one-time fee required under subsection (3)(a) or (3)(b) must be paid by the new owner.

(4) The annual registration fee for motor vehicles owned and operated solely as collector's items pursuant to 61-3-411 that are for motor vehicles:

(a) 2,850 pounds and over, \$10; and

(b) under 2,850 pounds, \$5.

(5) (a) The registration fee for off-highway vehicles is \$61.25. This fee is a one-time fee, except upon transfer of ownership of an off-highway vehicle. Except as provided in subsection (17), whenever a transfer of ownership of an off-highway vehicle occurs, the one-time fee required under this subsection must be paid by the new owner.

(b) The application for registration for an off-highway vehicle must be made to the county treasurer of the county in which the owner resides, on a form furnished by the department for that purpose. The application must contain:

(i) the name and home mailing address of the owner;

(ii) the certificate of title number;

(iii) the name of the manufacturer of the off-highway vehicle;

(iv) the model number or name;

(v) the year of manufacture;

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- (vi) a statement evidencing payment of the fee in lieu of property tax; and
- (vii) other information that the department may require.

(c) If the off-highway vehicle was previously registered, the application must be accompanied by the registration certificate for the most recent year in which it was registered. Upon payment of the registration fee, the county treasurer shall sign the application and issue a registration receipt containing the information considered necessary by the department. The owner shall retain possession of the registration receipt until it is surrendered to the county treasurer or to a purchaser or subsequent owner pursuant to a transfer of ownership.

(6) The annual registration fee for heavy trucks, buses, and logging trucks in excess of 1 ton is \$22.75.

(7) (a) The owner of a motor home shall pay an annual fee based on the age of the motor home according to the following schedule:

- (i) less than 2 years old, \$282.50;
- (ii) 2 years old and less than 5 years old, \$224.25;
- (iii) 5 years old and less than 8 years old, \$132.50; and
- (iv) 8 years old and older, \$97.50.

(b) (i) Except as provided in subsection (7)(b)(ii), the age of a motor home is determined by subtracting the manufacturer's designated model year from the current calendar year.

(ii) If the purchase year of a motor home precedes the designated model year of the motor home and the motor home is originally titled in Montana, then the purchase year is considered the model year for the purposes of calculating the fee in lieu of tax.

(c) (i) The owner of a motor home 11 years old or older subject to the registration fee under subsection (7)(a) may permanently register the motor home upon payment of:

- (A) a fee of \$237.50; and
- (B) if applicable, five times the personalized license plate fees under 61-3-406.

(ii) The following series of license plates may not be used for purposes of permanent registration of a motor home:

- (A) Montana national guard license plates issued under 61-3-458(2)(b);
- (B) reserve armed forces license plates issued under 61-3-458(2)(c);
- (C) license plates bearing a wheelchair design as a symbol of a person with a disability issued under 61-3-332(9);
- (D) amateur radio operator license plates issued under 61-3-422;
- (E) collegiate license plates issued under 61-3-465; and
- (F) generic specialty license plates issued under 61-3-479.

(iii) Except as provided in subsection (17), whenever a transfer of ownership of a permanently registered motor home occurs, the applicable fees required under this subsection (7) must be paid by the new owner.

(8) (a) The registration fee for motorcycles and quadricycles registered for use on public highways is \$53.25, and the registration fee for motorcycles and quadricycles registered for both off-road use and for use on the public highways is \$114.50.

(b) An additional fee of \$5 for a motorcycle or quadricycle with special license plates issued under 61-3-415 and, for a motorcycle or quadricycle under one-time registration, an additional fee of \$16 must be collected for the registration of each motorcycle or quadricycle as a safety fee, which must be deposited in the state motorcycle safety account provided for in 20-25-1002.

(c) The registration fees in this subsection (8) are a one-time fee, except upon transfer of ownership of a motorcycle or quadricycle.

(9) (a) The registration fee for travel trailers under 16 feet in length is \$72 and the registration fee for travel trailers 16 feet in length or longer is \$152. This fee is a one-time fee, except upon transfer of ownership of a travel trailer.

(b) Except as provided in subsection (17), whenever a transfer of ownership of a travel trailer occurs, the one-time fee required under subsection (9)(a) must be paid by the new owner.

(10) (a) The owner of each motorboat, sailboat, personal watercraft, or motorized pontoon requiring numbering by this state shall file an application for number in the office of the county treasurer in the county where the motorboat, sailboat, personal watercraft, or motorized pontoon is owned, on forms prepared and furnished by

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the department. The application must be signed by the owner of the motorboat, sailboat, personal watercraft, or motorized pontoon and be accompanied by the appropriate registration fee. The owner of a motorboat, sailboat, personal watercraft, or motorized pontoon shall pay a one-time fee as follows:

(i) for a personal watercraft or a motorboat, sailboat, or motorized pontoon less than 16 feet in length, \$65.50;

(ii) for a motorboat, sailboat, or motorized pontoon at least 16 feet in length but less than 19 feet in length, \$125.50; and

(iii) for a motorboat, sailboat, or motorized pontoon 19 feet in length or longer, \$295.50.

(b) This fee is a one-time fee, except upon transfer of ownership of the motorboat, sailboat, personal watercraft, or motorized pontoon.

(11) (a) Except as provided in subsection (11)(b), the one-time registration fee for a snowmobile is \$60.50.

(b) If a snowmobile is licensed by a Montana business and is owned exclusively for the purpose of daily rental to customers, the business is assessed:

(i) a fee of \$40.50 in the first year of registration; and

(ii) if the business reregisters the snowmobile for a second year, a fee of \$20. If the business reregisters the snowmobile for a third year, the snowmobile must be permanently registered and the business is assessed the fee in lieu of tax imposed in subsection (11)(a).

(c) Except as provided in subsection (17), whenever a transfer of ownership of a snowmobile occurs, the applicable fee required under this subsection (11) must be paid by the new owner.

(12) A fee of \$5 must be collected when a new set of standard license plates or a new single standard license plate provided for under 61-3-332 is issued.

(13) The provisions of this part with respect to the payment of registration fees do not apply to and are not binding upon motor vehicles, trailers, semitrailers, snowmobiles, watercraft, or tractors owned or controlled by the United States of America or any state, county, city, or special district, as defined in 18-8-202.

(14) When the license plates for a registered motor vehicle are transferred to a replacement vehicle under 61-3-317, 61-3-332, or 61-3-335, the owner of the motor vehicle shall pay a registration fee as follows:

(a) heavy trucks, buses, and logging trucks in excess of 1 ton, 75 cents;

(b) light vehicles, trucks and buses under 1 ton, and logging trucks less than 1 ton:

(i) if the vehicle is 4 years old or less, \$195.75;

(ii) if the vehicle is 5 years old through 10 years old, \$65.75; and

(iii) if the vehicle is 11 years old or older, \$6.75;

(c) motor homes:

(i) less than 2 years old, \$250.50;

(ii) 2 years old and less than 5 years old, \$192.25;

(iii) 5 years old and less than 8 years old, \$100.50; and

(iv) 8 years old and older, \$65.50;

(d) motorcycles and quadricycles registered for use on the public highways, \$42, and motorcycles and quadricycles registered for both off-road use and for use on the public highways, \$103.25. This fee is a one-time fee, except upon transfer of ownership.

(e) travel trailers under 16 feet in length, \$50.50, and travel trailers 16 feet in length or longer, \$130.50. This fee is a one-time fee, except upon transfer of ownership.

(f) trailers, semitrailers, or pole trailers with a declared weight of less than 6,000 pounds, \$52. This fee is a one-time fee, except upon transfer of ownership.

(g) trailers, semitrailers, or pole trailers with a declared weight of 6,000 pounds or more, \$139. This fee is a one-time fee, except upon transfer of ownership.

(15) A person eligible for a waiver under 61-3-460 is exempt from the fees required under this section.

(16) Except as otherwise provided in this section, revenue collected under this section must be deposited in the state general fund.

(17) The fees imposed by subsections (2) through (11) are not required to be paid by a dealer for the enumerated vehicles or vessels that constitute inventory of the dealership.

(18) (a) Unless a person exercises the option in subsection (18)(b), an additional fee of \$4 must be collected

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for each light vehicle registered for licensing pursuant to this part. This fee must be accounted for and transmitted separately from the registration fee. The fee must be deposited in an account in the state special revenue fund to be used for state parks, for fishing access sites, and for the operation of state-owned facilities. Of the \$4 fee, the department shall use \$3.50 for state parks, 25 cents for fishing access sites, and 25 cents for the operation of state-owned facilities at Virginia City and Nevada City.

(b) A person who registers a light vehicle may, at the time of annual registration, certify that the person does not intend to use the vehicle to visit state parks and fishing access sites and may make a written election not to pay the additional \$4 fee provided for in subsection (18)(a). If a written election is made, the fee may not be collected.

(19) For each light vehicle, trailer, semitrailer, pole trailer, heavy truck, motor home, motorcycle, quadricycle, and travel trailer subject to a registration fee under this section, an additional fee of \$5 must be collected and forwarded to the state for deposit in the account established in 44-1-504.

(20) This section does not apply to a motor vehicle, trailer, semitrailer, or pole trailer that is governed by 61-3-721."

**Insert: "Section 113.** Section 72-3-1006, MCA, is amended to read:

**"72-3-1006. Certificate.** (1) In probate proceedings under this code requiring the filing of a duplicate United States estate tax return with the department of revenue pursuant to 72-16-906, a final distribution to successors may not be made and petitions may not be granted under 72-3-1001, 72-3-1002, 72-3-1003, or 72-3-1004, unless there has been filed with the clerk:

(a) a certificate from the department of revenue stating that any estate tax due on the assets of the estate has been paid or that no tax is payable; or

(b) an agreement with the department of revenue for extension of time for payment of estate taxes.

(2) This section does not prohibit a partial distribution that may become necessary in the course of administration."

**Insert: "Section 114.** Section 77-1-213, MCA, is amended to read:

**"77-1-213. Acceptance of gifts, donations, grants, legacies, and devises to the state.** (1) ~~(a) The board is hereby authorized and empowered to~~ may accept on behalf of the state from any ~~natural person~~ individual gifts, donations, grants, legacies, and devises having a value of not less than \$250 ~~from each person~~. All lands ~~passing to~~ acquired by the state under ~~these the provisions of this section or through the operation of as provided by law~~ shall ~~must~~ be managed as other state lands; ~~and the~~ Subject to subsection (1)(b), the rents and earnings shall from the land must be applied in accordance with the object and purpose specified by the grantor, subject to all constitutional limitations.

(b) The board may accept on behalf of the state from any real estate investment trust any unrestricted gift, donation, or grant of real property having a value of not less than \$250. All land passing to the state under this subsection (1)(b) or as provided by law must be managed as other state lands.

(2) ~~At~~ Subject to subsection (1)(b), all money realized from the sale of ~~such~~ the lands and from other property and all gifts, donations, grants, legacies, and devises made in money or ~~the equivalent of money~~ shall ~~other consideration must~~ be administered by the board for the benefit of the specific purposes designated by the person from whom they were received and as ~~further regulated~~ provided by this title. ~~The provisions of this~~ This section shall apply applies to gifts, donations, grants, legacies, and devises ~~already~~ made to the state and ~~now~~ under the administration of the board if not contrary to any specific provisions made ~~therein~~ by the persons from whom they were received."

**Insert: "NEW SECTION. Section 115. Credit for real estate investment trust contribution of real property to the state.** (1) Except as provided in subsection (4), a real estate investment trust is allowed a credit against taxes otherwise due under this chapter for the fair market value of real property contributed to the state that is accepted by the board of land commissioners as provided in 77-1-213 or 77-1-214.

(2) The amount of the credit is equal to 100% of the fair market value of the property as determined under 77-1-202(3).

(3) If the sum of credit carryovers from the credit, if any, and the amount of credit allowed by this section for the tax year exceeds the taxpayer's tax liability for the current tax year, the excess attributable to the current tax

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year's credit is a credit carryover to the 3 succeeding tax years. The entire amount of unused credit must be carried forward to the earliest of the succeeding years, and the oldest available unused credit must be used first.

(4) The credit allowed under this section may not be claimed if the real estate investment trust has claimed the contribution as a deduction under 15-31-114."

**Insert:** "NEW SECTION. Section 116. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell Chippewa tribe."

**Renumber:** subsequent sections

19. Page 5, line 27.

**Following:** "instruction."

**Insert:** "(1)"

**Strike:** "[Section 1] is"

**Insert:** "[Sections 1, 13 through 24, and 41 through 46] are"

20. Page 5, line 28.

**Following:** "30," in both places

**Insert:** "part 2," in both places

**Strike:** "[section 1]"

**Insert:** "[sections 1, 13 through 24, and 41 through 46]"

21. Page 5.

**Following:** line 28

**Insert:** "(2) [Sections 2 through 8 and 115] are intended to be codified as an integral part of Title 15, chapter 31, and the provisions of Title 15, chapter 31, apply to [sections 2 through 8 and 115]."

(3) [Sections 25 through 40] are intended to be codified as an integral part of Title 15, and the provisions of Title 15 apply to [sections 25 through 40]."

22. Page 5, line 29.

**Insert:** "COORDINATION SECTION. Section 118. Coordination instruction. If [this act] and Senate Bill No. 514 are both passed and approved, then [section 2] of Senate Bill No. 514 is void."

**Insert:** "NEW SECTION. Section 119. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

**Insert:** "NEW SECTION. Section 120. Contingent voidness. (1) If funds are not appropriated for the property tax refunds provided in [sections 9 through 12], then [sections 9 through 12] are void."

(2) If funds are not appropriated to replace the revenue lost to cities, towns, counties, local schools, and special districts from the exemptions provided in [sections 55 and 56], then [sections 55 and 56] are void."

**Renumber:** subsequent sections

23. Page 5, line 30.

**Strike:** "date"

**Insert:** "dates"

**Following:** "date."

**Insert:** "(1)"

**Strike:** "[This act] is"

**Insert:** "[Sections 1 through 12, 25 through 47, 50 through 84, 86 through 92, 109, and 115] are"

24. Page 5.

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**Following:** line 30

**Insert:** "(2) [Sections 48, 49, 93 through 108, 113, 114, and 116 through 123] are effective July 1, 2007.

(3) [Sections 13 through 24, 85, and 110 through 112] are effective January 1, 2008."

25. Page 6, line 2.

**Following:** "applicability."

**Insert:** "(1)"

**Strike:** "[This act] applies"

**Insert:** "[Sections 2 through 8, 59, 60, 64 through 72, 75 through 82, 84 through 86, 90 through 92, and 115] apply"

26. Page 6.

**Following:** line 3

**Insert:** "(2) [Sections 9 through 11] apply retroactively, within the meaning of 1-2-109, to 2006 Montana property taxes paid before the effective date of [sections 9 through 11].

(3) [Section 12] applies retroactively, within the meaning of 1-2-109, to rent paid during 2006.

(4) The provisions of [section 27(1) and (2)] apply retroactively, within the meaning of 1-2-109, to any reportable transaction entered into after February 28, 2000, for any tax year or years for which the transaction remains undisclosed and for which the statute of limitations on assessment has not expired as of [60 days after the effective date of sections 25 through 31].

(5) (a) Except as provided in subsection (5)(b), the provisions of [section 36] apply retroactively, within the meaning of 1-2-109, to information associated with any return due on or after [the date 2 years before the effective date of [sections 35 through 37].

(b) The provisions of [section 36(2)(b)] apply retroactively, within the meaning of 1-2-109, to any tax year for which the statute of limitations on assessment has not expired.

(6) The provisions of [section 54] apply retroactively within the meaning of 1-2-109, to new rural telecommunication property placed in service after December 31, 2006.

(7) The provisions of [sections 55 and 56] apply to property tax years beginning after December 31, 2007.

(8) [Section 83] applies retroactively, within the meaning of 1-2-109, to tax years beginning after December 31, 2002."

**Insert:** "NEW SECTION. Section 123. Applicability. (1) [Section 1] applies to payments made after December 31, 2007.

(2) [Sections 13 through 24] apply to royalty payments made after December 31, 2007.

(3) The provisions of [sections 32 through 37] apply to tax years beginning after December 31, 2008.

(4) The penalties imposed under the provisions of [section 37] apply to any failure to file, retain, or provide any information required pursuant to [section 34, 35, or 36] with respect to any tax year ending on or after [the effective date of sections 34 through 38].

(5) The provisions of [sections 41 through 46] apply to transfer of Montana real estate occurring after September 30, 2007.

(6) [Sections 1, 51, 58, 61 through 63, 73, 87 through 89, and 114] apply to tax years beginning after December 31, 2007."

And, as amended, do pass. Report adopted.

**REPORTS OF SELECT COMMITTEES**

CONFERENCE COMMITTEE  
on Senate Amendments to **House Bill 25**



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Report No. 2, April 17, 2007

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 25** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 25** (reference copy -- salmon) be amended as follows:

1. Title, line 15.

**Following:** "MCA;"

**Insert:** "AND"

2. Title, line 17 through line 18.

**Following:** "MCA"

**Strike:** "¿" on line 17 through "DATE" on line 18

3. Page 25, line 16.

**Following:** "FACILITY."

**Insert:** "Carbon dioxide captured by a facility or equipment may be sequestered offsite from the facility or equipment."

4. Page 30, line 11.

**Strike:** section 24 in its entirety

For the House:

Olson, Chairman  
Lange  
Thomas

For the Senate:

Laslovich, Chairman  
Ryan  
Esp

CONFERENCE COMMITTEE  
on House Amendments to **Senate Bill 74**  
Report No. 2, April 17, 2007

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 74** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 74** (reference copy -- salmon) be amended as follows:

1. Page 3, line 1 through 2.

**Strike:** "¿" on line 1 through "(A)" on line 2

2. Page 3, line 3.

**Following:** "PROPERTY"

**Strike:** "¿ OR"

**Insert:** "that is designated as a title loan by the department."

3. Page 3, line 4 through line 5.

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**Strike:** subsection (B) in its entirety

For the Senate:

Jent, Chairman  
Moss  
McGee

For the House:

Mendenhall, Chairman  
Milburn  
Keane

CONFERENCE COMMITTEE  
on Senate Amendments to **House Bill 533**  
Report No. 2, April 17, 2007

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 533** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 533** (reference copy -- salmon) be amended as follows:

1. Page 2, line 4.

**Strike:** "3.5%"

**Insert:** "10%"

2. Page 3, line 14.

**Strike:** "3.5%"

**Insert:** "10%"

3. Page 3, line 19 through line 20.

**Strike:** section 2 in its entirety

**Renumber:** subsequent sections

For the House:

Ankney, Chairman  
Lake  
Windy Boy

For the Senate:

Harrington, Chairman  
Elliott  
Story

MESSAGES FROM THE OTHER HOUSE

**Senate bill** concurred in and returned to the Senate:

4/16/2007

**SB 146**, introduced by Shockley

**Senate bill** concurred in and returned to the Senate:

4/16/2007

**SB 376**, introduced by Jackson

**Senate bill** concurred in and returned to the Senate:

4/16/2007

**SB 403**, introduced by Lind

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**Senate bill** concurred in and returned to the Senate: 4/16/2007  
**SB 412**, introduced by Brueggeman

**Senate bill** concurred in and returned to the Senate: 4/16/2007  
**SB 431**, introduced by Lind

**Senate bill** concurred in and returned to the Senate: 4/16/2007  
**SB 446**, introduced by Perry

**Senate bill** concurred in and returned to the Senate: 4/16/2007  
**SB 447**, introduced by Perry

**Senate bill** concurred in and returned to the Senate: 4/16/2007  
**SB 461**, introduced by Bales

**Senate bill** concurred in and returned to the Senate: 4/16/2007  
**SB 523**, introduced by Laslovich

**Senate bill** concurred in and returned to the Senate: 4/16/2007  
**SB 542**, introduced by Ryan

**Senate joint resolution** concurred in and returned to the Senate: 4/16/2007  
**SJR 18**, introduced by Pease

**SB 74** - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **SB 74**:  
4/16/2007  
Representative Mendenhall, Chair  
Representative Milburn  
Representative Keane

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 4/16/2007  
**SB 316**, introduced by Elliott

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 4/16/2007  
**SB 549**, introduced by Story

**Senate bill not** concurred in and returned to the Senate: 4/16/2007  
**SB 375**, introduced by McGee

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**Senate bill not** concurred in and returned to the Senate:

4/16/2007

**SB 346**, introduced by Shockley

**MOTIONS**

**SEN. DANIEL MCGEE, SD 29, LAUREL** moved **HB 515** be re-referred to Finance and Claims Committee.  
Motion carried as follows:

Yeas: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 26

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Kitzenberg, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 24

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SEN. JESSE LASLOVICH, SD 43, ANACONDA** moved **HB 569** be taken from Judiciary Committee and placed in Finance and Claims Committee. Motion carried unanimously.

**SEN. FRANK SMITH, SD 16, POPLAR** moved **HB 519** be taken out of committee and placed on second reading this 81st Legislative day. Motion **failed** as follows:

Yeas: Barkus, Brueggeman, Cobb, Curtiss, Elliott, Gebhardt, Gillan, Hansen, Juneau, Kitzenberg, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Smith, Squires, Steinbeisser, Tash, J.Tropila, M.Tropila.  
Total 23

Nays: Bales, Balyeat, Black, Brown, Cocchiarella, Esp, Essmann, Gallus, Harrington, Hawks, Jackson, Jent, Kaufmann, Laible, Larson, Laslovich, Lind, McGee, O'Neil, Schmidt, Shockley, Stapleton, Story, Wanzenried, Weinberg, Williams, Mr. President.  
Total 27

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SEN. AUBYN CURTISS, SD 1, FORTINE** moved **HB 407** be taken from Finance and Claims Committee and placed on second reading this 81st Legislative day. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Harrington, Jackson, Laible, Lewis, McGee, O'Neil, Perry, Peterson, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash,

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J.Tropila.  
Total 25

Nays: Black, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Murphy, Pease, Ryan, Schmidt, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 25

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SEN. JOHN ESP, SD 31, BIG TIMBER** moved to change his vote on **HB 179** from "no" to "yes". Motion carried.

**SEN. TRUDI SCHMIDT, SD 11, GREAT FALLS** moved place **HB 798** into Finance and Claims Committee. Motion **failed** as follows:

Yeas: Balyeat, Cobb, Cocchiarella, Elliott, Gallus, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laslovich, Lind, Moss, Ryan, Schmidt, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 24

Nays: Bales, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Gillan, Jackson, Laible, Larson, Lewis, McGee, Murphy, Pease, Perry, Peterson, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash.  
Total 25

Absent or not voting: O'Neil.  
Total 1

Excused: None.  
Total 0

**SEN. GREGORY BARKUS, SD 4, KALISPELL** moved to take **HB 407** out of Finance and Claims Committee and reconsider action on the Senate floor. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, O'Neil, Perry, Peterson, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, J.Tropila.  
Total 24

Nays: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Murphy, Pease, Ryan, Schmidt, Squires, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 26

Absent or not voting: None.  
Total 0

Excused: None.

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Total 0

**SEN. VERDELL JACKSON, SD 5, KALISPELL** moved to take **HB 343** out of Finance and Claims Committee and bring to the Senate floor. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 23

Nays: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, McGee, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 27

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** moved to dissolve a Conference Committee and appoint a Free Conference Committee on **SB 147**. President appoints Senator Juneau, Chair, Senators Hawks, Shockley. Motion carried.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 574** concurred in as follows:

Yeas: Black, Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gebhardt, Gillan, Harrington, Hawks, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Schmidt, Smith, Squires, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 32

Nays: Bales, Balyeat, Barkus, Brown, Curtiss, Esp, Essmann, Hansen, Jackson, Juneau, McGee, O'Neil, Perry, Peterson, Ryan, Shockley, Stapleton, Story.

Total 18

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 298** concurred in as follows:

Yeas: Balyeat, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind,

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Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 42

Nays: Bales, Barkus, Brown, Esp, Essmann, McGee, Shockley, Stapleton.  
Total 8

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 677** concurred in as follows:

Yeas: Black, Brueggeman, Cobb, Cocchiarella, Elliott, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Weinberg, Williams, Mr. President.  
Total 29

Nays: Bales, Balyeat, Barkus, Brown, Curtiss, Esp, Essmann, Gallus, Gebhardt, Jackson, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash, Wanzenried.  
Total 21

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 27** concurred in as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Tash, J.Tropila, M.Tropila, Weinberg, Williams.  
Total 35

Nays: Bales, Balyeat, Barkus, Black, Brown, Essmann, Gallus, Jackson, McGee, Murphy, O'Neil, Stapleton, Story, Wanzenried, Mr. President.  
Total 15

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 148** concurred in as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Elliott, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Schmidt, Smith, Squires, Tash,

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Weinberg, Williams, Mr. President.  
Total 27

Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Esp, Essmann, Gallus, Gebhardt, Jackson, Kitzenberg, Laible, McGee, O'Neil, Ryan, Shockley, Stapleton, Steinbeisser, Story, J.Tropila, M.Tropila, Wanzenried.  
Total 23

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 179** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 278** concurred in as follows:

Yeas: Bales, Black, Brueggeman, Cobb, Cocchiarella, Elliott, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 37

Nays: Balyeat, Barkus, Brown, Curtiss, Esp, Essmann, Gallus, Gebhardt, Jackson, McGee, Stapleton, Steinbeisser, Story.  
Total 13

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 678** concurred in as follows:



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Yeas: Barkus, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Essmann, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Ryan, Smith, Squires, Stapleton, Tash, J.Tropila, M.Tropila, Weinberg, Williams, Mr. President.  
Total 35

Nays: Bales, Balyeat, Black, Curtiss, Esp, Gallus, Gebhardt, Juneau, O'Neil, Peterson, Schmidt, Shockley, Steinbeisser, Story, Wanzenried.  
Total 15

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 490** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 48

Nays: Cobb, Gallus.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 536** concurred in as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 47

Nays: Balyeat, McGee, O'Neil.  
Total 3

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 556** concurred in as follows:

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Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 141** concurred in as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 38

Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Essmann, Juneau, McGee, O'Neil, Shockley, M.Tropila.  
Total 12

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 461** concurred in as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 44

Nays: Balyeat, Curtiss, McGee, O'Neil, Shockley, Stapleton.  
Total 6

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

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**HB 568** concurred in as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Ryan, Schmidt, Smith, Squires, Stapleton, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 31

Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, McGee, O'Neil, Perry, Peterson, Shockley, Steinbeisser, Story, Tash.  
Total 19

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 240** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 46

Nays: Gallus, McGee, Shockley, Steinbeisser.  
Total 4

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 337** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

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**HB 473** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 48

Nays: Kaufmann, Smith.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 611** concurred in as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 45

Nays: Balyeat, Essmann, McGee, O'Neil, Steinbeisser.  
Total 5

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 790** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: Shockley.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.

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Total 0

**HB 840** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: Gallus.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Black in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 69** - Senator Steinbeisser moved **HB 69** be concurred in. Motion carried with Senator Balyeat, Brown, Essmann, O'Neil voting nay.

**HB 406** - Senator Brown moved **HB 406** be concurred in. Motion carried as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Gebhardt, Gillan, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Pease, Perry, Peterson, Ryan, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, Weinberg, Williams.

Total 38

Nays: Balyeat, Cobb, Essmann, Gallus, Hansen, Murphy, O'Neil, Schmidt, Shockley, M.Tropila, Wanzenried, Mr. President.

Total 12

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HJR 25** - Senator Curtiss moved **HJR 25** be concurred in. Motion carried as follows:

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Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Kitzenberg, Laible, Larson, Laslovich, Lewis, McGee, Murphy, O'Neil, Pease, Perry, Schmidt, Shockley, Smith, Stapleton, Story, Tash, J.Tropila.  
Total 35

Nays: Cocchiarella, Esp, Juneau, Kaufmann, Lind, Moss, Peterson, Ryan, Squires, Steinbeisser, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 15

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 40** - Senator Gillan moved **HB 40** be concurred in. Motion carried as follows:

Yeas: Black, Cobb, Cocchiarella, Esp, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 30

Nays: Bales, Balyeat, Barkus, Brown, Brueggeman, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Jackson, Lewis, Lind, McGee, O'Neil, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 20

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 515** - Senator Ryan moved **HB 515**, second reading copy, be amended as follows:

1. Page 5, lines 1 and 2.

**Following:** "is" on line 1

**Strike:** remainder of line 1 through "\$250" on line 2

**Insert:** "\$50"

2. Page 5, line 3 through line 5.

**Following:** "year" on line 3

**Strike:** remainder of line 3 through "year" on line 5

Amendment **not** adopted as follows:

Yeas: Cobb, Cocchiarella, Elliott, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 25

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Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gallus, Gebhardt, Jackson, Kitzenberg, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 25

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 515** - Senator McGee moved **HB 515** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Kitzenberg, Laible, Laslovich, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 25

Nays: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Larson, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 24

Absent or not voting: Black.

Total 1

Excused: None.

Total 0

Senate recessed at 9:58 a.m. and reconvened at 12:30 p.m.

Roll Call. Senator Shockley excused. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 42

Nays: Balyeat, Essmann, Gebhardt, Jackson, Lind, McGee, O'Neil.

Total 7

Absent or not voting: None.

Total 0

Excused: Shockley.

Total 1

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Black in the chair.

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Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 39** - Senator Perry moved **HB 39**, second reading copy, be amended as follows:

1. Page 4, line 16.

**Following:** "~~The~~"

**Insert:** "The department shall by rule prescribe a fee that may not be higher than necessary to cover the cost to the department of updating its water right ownership records."

Amendment adopted unanimously.

**HB 39** - Senator Perry moved **HB 39**, as amended, be concurred in. Motion carried unanimously.

**HB 390** - Senator J. Tropila moved **HB 390** be concurred in. Motion carried as follows:

Yeas: Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Williams.

Total 37

Nays: Bales, Balyeat, Brown, Esp, Jackson, Kaufmann, Lind, McGee, O'Neil, Story, Wanzenried, Weinberg.

Total 12

Absent or not voting: None.

Total 0

Excused: Mr. President.

Total 1

**HB 569** - Senator Tash moved **HB 569** be concurred in. Motion carried as follows:

Yeas: Bales, Barkus, Black, Cocchiarella, Elliott, Esp, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Murphy, Pease, Schmidt, Shockley, Stapleton, Tash, J.Tropila, M.Tropila, Weinberg, Williams.

Total 28

Nays: Balyeat, Brown, Brueggeman, Cobb, Curtiss, Essmann, Gallus, Gebhardt, Jackson, Laible, Lewis, McGee, O'Neil, Perry, Peterson, Ryan, Smith, Squires, Steinbeisser, Wanzenried.

Total 20

Absent or not voting: None.

Total 0

Excused: Story, Mr. President.

Total 2

**HB 463** - Senator Gillan moved consideration of **HB 463** be placed below 330 on the second reading board. Motion carried.



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**HB 529** - Senator Elliott moved consideration of **HB 529** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**HB 665** - Senator Cocchiarella moved **HB 665** be concurred in. Motion carried as follows:

Yeas: Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Ryan, Schmidt, Smith, Squires, Stapleton, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 34

Nays: Bales, Balyeat, Barkus, Black, Curtiss, Esp, Essmann, Gebhardt, Jackson, McGee, O'Neil, Perry, Peterson, Shockley, Steinbeisser, Story.  
Total 16

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 833** - Senator Elliott moved consideration of **HB 833** be placed below 529 on the second reading board. Motion carried.

**HB 831** - Senator J. Peterson moved **HB 831**, second reading copy, be amended as follows:

1. Page 35, line 6 through line 9.

**Following:** "19]" on line 6

**Strike:** remainder of line 6 through "closure" on line 9

Amendment adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Jackson, Kitzenberg, Laible, Lewis, McGee, Moss, Murphy, O'Neil, Perry, Peterson, Ryan, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, Weinberg.  
Total 32

Nays: Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Larson, Laslovich, Lind, Pease, Schmidt, Smith, M.Tropila, Wanzenried, Williams, Mr. President.  
Total 18

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 831** - Senator Kaufmann moved **HB 831**, second reading copy, be amended as follows:

1. Page 45, line 1 through line 2.

**Following:** "act]"

**Strike:** "or that" on line 1 through "act]" on line 2

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Amendment adopted as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Esp, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Moss, Pease, Schmidt, Shockley, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 27

Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Elliott, Essmann, Gebhardt, Jackson, Laible, Lewis, Lind, McGee, Murphy, O'Neil, Perry, Peterson, Ryan, Stapleton, Steinbeisser, Story, Tash.  
Total 23

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 831** - Senator Esp moved **HB 831**, second reading copy, be amended as follows:

1. Page 36, line 9.  
**Following:** "where"  
**Insert:** ", generally,"
2. Page 36, line 22.  
**Following:** "where"  
**Insert:** ", generally,"

Amendment adopted with Senator Jent, Tash, Barkus voting nay.

**HB 831** - Senator Tash moved **HB 831**, second reading copy, be amended as follows:

1. Page 33, line 15.  
**Following:** "affected."  
**Insert:** "In order to make a determination that there is an adverse effect on a prior appropriator as a result of a new appropriation right, the adverse effect must be capable of being measured."

Amendment **not** adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Esp, Gebhardt, Jackson, McGee, Murphy, O'Neil, Perry, Peterson, Stapleton, Tash.  
Total 16

Nays: Cobb, Cocchiarella, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 33

Absent or not voting: Brueggeman.  
Total 1

Excused: None.

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Total 0

**HB 831** - Senator Story moved **HB 831**, as amended, be concurred in. Motion carried as follows:

Yeas: Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gillan, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Pease, Perry, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 39

Nays: Bales, Balyeat, Barkus, Curtiss, Gebhardt, Hansen, Jackson, Murphy, O'Neil, Peterson, Tash.

Total 11

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 330** - Senator Lind moved consideration of **HB 330** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**HB 798** - Senator Gillan moved **HB 798** be concurred in. Motion carried as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Gillan, Jackson, Kitzenberg, Larson, Lewis, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash.

Total 27

Nays: Balyeat, Cobb, Elliott, Gallus, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Laible, Laslovich, Lind, Moss, Ryan, Schmidt, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 826** - Senator Gebhardt moved **HB 826** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Kitzenberg, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 25

Nays: Cocchiarella, Elliott, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 24

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Absent or not voting: Gallus.  
Total 1

Excused: None.  
Total 0

**HB 833** - Senator Gallus moved **HB 833**, second reading copy, be amended as follows:

1. Title, page 3, line 23.

**Following:** "OF"

**Insert:** "A PORTION OF"

2. Page 95, line 3.

**Following:** "(d)"

**Insert:** "the last four digits of"

3. Page 114, line 20.

**Following:** "(h)"

**Insert:** "the last four digits of"

4. Page 115, line 19.

**Following:** "(f)"

**Insert:** "the last four digits of"

5. Page 124, line 14.

**Following:** "DATES"

**Insert:** "-- contingency"

6. Page 124, line 17.

**Following:** "24"

**Strike:** ", 85, AND 110 THROUGH"

**Insert:** "and"

7. Page 124, line 18.

**Insert:** "(4) [Sections 85, 110, and 111] are effective on the later of January 1, 2008, or the date when the department of revenue certifies the security of the secretary of state's mainframe application and other relevant computer applications and processes. The director of the department of revenue shall notify the governor, the secretary of state, and the code commissioner when the security of the mainframe application is certified."

Amendment adopted as follows:

Yeas: Barkus, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Williams, Mr. President.

Total 37

Nays: Bales, Balyeat, Black, Elliott, Gebhardt, Hawks, Jackson, Jent, McGee, O'Neil, Shockley, Smith, Weinberg.

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Total 13

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 833** - Senator Laible moved **HB 833**, second reading copy, be amended as follows:

1. Title, line 20.

**Strike:** "REFUND"

**Insert:** "REFUNDABLE INCOME TAX CREDIT"

2. Title, line 23 through line 24.

**Following:** "PROVIDING" on line 23

**Strike:** remainder of line 23 through "AND" on line 24

**Strike:** "ENTITLEMENT"

**Insert:** "CREDIT"

3. Page 17, line 3.

**Strike:** "REFUND"

**Insert:** "credit"

4. Page 17, line 4.

**Strike:** "REFUND"

**Insert:** "refundable income tax credit"

5. Page 17, line 6.

**Strike:** "AS PROVIDED IN SUBSECTION (2)"

6. Page 17, line 9.

**Strike:** "REFUND"

**Insert:** "refundable income tax credit"

7. Page 17, line 11.

**Strike:** "AS PROVIDED IN SUBSECTION (2)"

8. Page 17, line 22 through line 25.

**Following:** "(2)" on line 22

**Strike:** remainder of line 22 through "(B)" on line 25

9. Page 17, line 26.

**Strike:** "REFUND" in both places

**Insert:** "refundable credit" in both places

10. Page 17, line 27.

**Strike:** "CLAIM FOR A REFUND"

**Insert:** "refundable credit"

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11. Page 17, line 28.

**Strike:** "ON OR BEFORE DECEMBER 31,"

**Insert:** "for tax year"

12. Page 18, line 3.

**Strike:** "REFUND"

**Insert:** "credit"

13. Page 18, line 4.

**Strike:** "REFUND"

**Insert:** "credit"

Amendment **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 24

Nays: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 26

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 833** - Senator Stapleton made a **substitute motion** that **HB 833** be **indefinitely postponed**. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 23

Nays: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 27

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Williams moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Black moved the Committee of the Whole report be adopted. Report adopted unanimously.

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Roll Call. Senator Perry excused. Quorum present.

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 40

Nays: Balyeat, Brown, Gebhardt, Gillan, Jackson, Lind, McGee, O'Neil, Shockley.  
Total 9

Absent or not voting: None.  
Total 0

Excused: Perry.  
Total 1

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Wanzenried in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 833** - Senator Barkus moved **HB 833**, second reading copy, be amended as follows:

1. Title, page 3, line 7 through line 9.  
**Following:** "ENTITY;" on line 7  
**Strike:** remainder of line 7 through "ENTITIES;" on line 9
2. Title, page 3, lines 9 and 10.  
**Following:** "TRUST";" on line 9  
**Strike:** remainder of line 9 through "TRUST";" on line 10
3. Title, page 5, line 13.  
**Following:** "61-3-321,"  
**Insert:** "AND"  
**Strike:** "AND 77-1-213,"
4. Page 61, lines 24 and 25.  
**Strike:** subsection (28) in its entirety  
**Renumber:** subsequent subsections
5. Page 64, line 27.  
**Following:** "and"  
**Insert:** "and"
6. Page 64, lines 28 through 30.  
**Following:** "zero" on line 28  
**Strike:** remainder of line 28 through "15-31-114" on line 30

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7. Page 83, line 9.

**Following:** "Gross income"

**Strike:** " , "

**Insert:** "and"

**Following:** "net income"

**Strike:** " , and real estate investment trust income"

8. Page 83, lines 24 and 25.

**Following:** "The" on line 24

**Strike:** remainder of line 24 through "the" on line 25

9. Page 83, lines 28 through 30.

**Following:** "section" on line 28

**Strike:** remainder of line 28 through "section" on line 30

**Insert:** "is excluded in determining a corporation's gross income"

10. Page 84, line 2.

**Strike:** "(i)"

**Strike:** " , except as provided in subsection (1)(c)(ii)."

11. Page 84, lines 4 and 5.

**Strike:** subsection (ii) in its entirety

12. Page 84, lines 6 through 15.

**Strike:** subsection (d) in its entirety

13. Page 87, lines 3 and 4.

**Following:** "from" on line 3

**Strike:** remainder of line 3 through "(a)" on line 4

14. Page 87, line 5.

**Strike:** "(i)"

**Insert:** "(a)"

**Renumber:** subsequent subsection

15. Page 87, lines 8 through 17.

**Following:** "854(b)" on line 8

**Strike:** remainder of line 8 through "857(b)(3)(D)" on line 17

16. Page 87, line 23.

**Strike:** "(a)"

**Strike:** "Except as provided in subsection (2)(b), the"

**Insert:** "The"

17. Page 87, line 25 through line 26.

**Strike:** subsection (b) in its entirety

18. Page 88, line 11.

**Strike:** "(a)"



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19. Page 88, lines 15 and 16.

**Strike:** subsection (c) in its entirety

20. Page 122, line 14 through page 123, line 16.

**Strike:** sections 114 and 115 in their entirety

**Renumber:** subsequent sections

21. Page 123, line 25.

**Strike:** "AND 115"

22. Page 123, line 26.

**Strike:** "AND 115"

23. Page 124, line 15.

**Following:** "92,"

**Insert:** "and"

**Following:** "109"

**Strike:** ", AND 115"

24. Page 124, line 16.

**Following:** "108"

**Strike:** ", 113, 114, AND 116"

**Insert:** ", and 113"

25. Page 124, line 20.

**Following:** "82,"

**Insert:** "and"

**Following:** "92"

**Strike:** ", AND 115"

26. Page 125, line 21.

**Following:** "73,"

**Insert:** "and"

**Following:** "89"

**Strike:** ", AND 114"

Amendment adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Gillan, Jackson, Kitzenberg, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Steinbeisser, Story, Tash.

Total 25

Nays: Cocchiarella, Elliott, Gallus, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 24

Absent or not voting: None.

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Total 0

Excused: Stapleton.

Total 1

**HB 833** - Senator Story moved **HB 833**, second reading copy, be amended as follows:

1. Title, page 1, line 10, through page 5, line 5.

**Strike:** "CONFORMING" on page 1, line 10 through "EXEMPTIONS;" on page 5, line 5

**Insert:** "ALLOWING A REFUNDABLE INCOME TAX CREDIT FOR THE AMOUNT OF PROPERTY TAXES PAID ON \$20,000 OF MARKET VALUE OF A PRINCIPAL RESIDENCE ATTRIBUTABLE TO THE 95-MILL STATEWIDE LEVIES TO FUND SCHOOLS; INCREASING THE INCOME TAX EXEMPTION TO AN AMOUNT EQUAL TO 80 PERCENT OF THE FEDERAL EXEMPTION AMOUNT; PROVIDING THAT THE REVENUE AND TRANSPORTATION INTERIM COMMITTEE EXAMINE THE CREDIT EACH INTERIM TO CHANGE THE RELIEF MULTIPLE FACTOR GOVERNING THE AMOUNT OF THE CREDIT; GRANTING AUTHORITY TO THE DEPARTMENT OF REVENUE TO REQUIRE SOCIAL SECURITY NUMBERS OR TAXPAYER IDENTIFICATION NUMBERS IN TAX MATTERS;"

2. Title, page 5, lines 6 through 13.

**Strike:** "7-4-2623," through "15-1-102," on line 6

**Strike:** "15-1-216," on line 6 through "15-30-111," on line 7

**Following:** "15-30-142" on line 6

**Insert:** "AND 15-30-142"

**Strike:** "15-30-136," on line 7 through "77-1-213" on line 13

3. Title, page 5, line 14.

**Following:** "IMMEDIATE"

**Insert:** "AN IMMEDIATE"

**Strike:** "DATES" in both places

**Insert:** "DATE" in both places

**Following:** "RETROACTIVE"

**Insert:** "A RETROACTIVE"

4. Page 5, line 18 through page 125, line 22.

**Strike:** everything after the enacting clause

**Insert:** "NEW SECTION. Section 1. Refundable income tax credit -- statewide equalization property tax levies on principal residence. (1) (a) There is a credit against the tax imposed by this chapter, which is calculated by multiplying the amount of property taxes imposed and paid on a property taxpayer's principal residence under 20-9-331, 20-9-333, and 20-9-360 on \$20,000 of market value on the residence times the relief multiple.

(b) As used in subsection (1)(a), the relief multiple is a number used to change the amount of tax relief allowed under this section. The relief multiple is 4. Each interim the revenue and transportation interim committee shall, based upon actual and projected state revenue and spending and any other appropriate factors, determine if a change in the relief multiple is justified. If a change is justified, the committee shall request a bill to change the relief multiple.

(2) As used in this section, "principal residence" means a class four residential dwelling that is a single-family dwelling unit, unit of a multiple-unit dwelling, trailer, manufactured home, or mobile home and as much of the surrounding land, not exceeding 5 acres, as is reasonably necessary for its use as a dwelling and that

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is occupied by the owner for at least 7 months during the tax year.

(3) Only one claim may be made with respect to any property.

(4) If the amount of the credit exceeds the claimant's liability under this chapter, the amount of the excess must be refunded to the claimant. The credit may be claimed even if the claimant has no income taxable under this chapter."

**Insert: "Section 2.** Section 15-1-201, MCA, is amended to read:

**"15-1-201. Administration of revenue laws.** (1) (a) The department has general supervision over the administration of the assessment and tax laws of the state, except Title 15, chapters 70 and 71, and over any officers of municipal corporations having any duties to perform under the laws of this state relating to taxation to the end that all assessments of property are made relatively just and equal, at true value, and in substantial compliance with law. The department may make rules to supervise the administration of all revenue laws of the state and assist in their enforcement.

(b) In the administration of any tax over which it has general supervision, the department may require all individuals subject to the tax laws of the state to provide to the department the individual's social security number, federal employee identification number, or taxpayer identification number.

~~(b)(c)~~ The department may contract with the U.S. department of the interior or any other federal agency to perform federal royalty audits, collection services, and any other delegable functions related to mining operations on federal lands within the state pursuant to the Federal Oil and Gas Royalty Simplification and Fairness Act of 1996.

~~(c)(d)~~ The department shall adopt rules specifying which types of property within the several classes are considered comparable property as defined in 15-1-101.

~~(d)(e)~~ The department shall also adopt rules for determining the value-weighted mean sales assessment ratio for all commercial and industrial real property and improvements.

(2) The department shall confer with, advise, and direct officers of municipal corporations concerning their duties, with respect to taxation, under the laws of the state.

(3) The department shall collect annually from the proper officers of the municipal corporations information, in a form prescribed by the department, about the assessment of property, collection of taxes, receipts from licenses and other sources, expenditure of public funds for all purposes, and other information as may be necessary and helpful in the work of the department. It is the duty of all public officers to fill out properly and return promptly to the department all forms and to aid the department in its work. The department shall examine the records of all municipal corporations for purposes considered necessary or helpful. ""

**Insert: "Section 3.** Section 15-30-112, MCA, is amended to read:

**"15-30-112. Exemptions.** (1) Except as provided in subsection (6), in the case of an individual, the exemptions provided by subsections (2) through (5) must be allowed as deductions in computing taxable income.

(2) (a) An exemption of ~~\$1,900~~ \$2,560 is allowed for all taxpayers.

(b) An additional exemption of ~~\$1,900~~ \$2,560 is allowed for the spouse of the taxpayer if a separate return is made by the taxpayer and if the spouse, for the calendar year in which the tax year of the taxpayer begins, does not have gross income and is not the dependent of another taxpayer.

(3) (a) An additional exemption of ~~\$1,900~~ \$2,560 is allowed for the taxpayer if the taxpayer has attained the age of 65 before the close of the taxpayer's tax year.

(b) An additional exemption of ~~\$1,900~~ \$2,560 is allowed for the spouse of the taxpayer if a separate return is made by the taxpayer and if the spouse has attained the age of 65 before the close of the tax year and, for the calendar year in which the tax year of the taxpayer begins, does not have gross income and is not the dependent of another taxpayer.

(4) (a) An additional exemption of ~~\$1,900~~ \$2,560 is allowed for the taxpayer if the taxpayer is blind at the close of the taxpayer's tax year.

(b) An additional exemption of ~~\$1,900~~ \$2,560 is allowed for the spouse of the taxpayer if a separate return is made by the taxpayer and if the spouse is blind and, for the calendar year in which the tax year of the taxpayer begins, does not have gross income and is not the dependent of another taxpayer. For the purposes of this subsection (4)(b), the determination of whether the spouse is blind must be made as of the close of the tax year of the taxpayer, except that if the spouse dies during the tax year, the determination must be made as of the

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time of death.

(c) For purposes of this subsection (4), an individual is blind only if the person's central visual acuity does not exceed 20/200 in the better eye with correcting lenses or if visual acuity is greater than 20/200 but is accompanied by a limitation in the fields of vision to an extent that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

(5) (a) An exemption of ~~\$1,900~~ \$2,560 is allowed for each dependent:

(i) whose gross income for the calendar year in which the tax year of the taxpayer begins is less than \$800; or

(ii) who is a child of the taxpayer and who:

(A) has not attained the age of 19 years at the close of the calendar year in which the tax year of the taxpayer begins; or

(B) is a student.

(b) An exemption is not allowed under this subsection for a dependent who has made a joint return with the dependent's spouse for the tax year beginning in the calendar year in which the tax year of the taxpayer begins.

(c) For purposes of subsection (5)(a)(ii), the term "child" means an individual who is a son, stepson, daughter, or stepdaughter of the taxpayer.

(d) For purposes of subsection (5)(a)(ii)(B), the term "student" means an individual who, during each of 5 calendar months during the calendar year in which the tax year of the taxpayer begins:

(i) is a full-time student at an educational institution; or

(ii) is pursuing a full-time course of institutional on-farm training under the supervision of an accredited agent of an educational institution or of a state or political subdivision of a state. For purposes of this subsection (5)(d)(ii), the term "educational institution" means only an educational institution that normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on.

(6) The department, by November 1 of each year, shall multiply all the exemptions provided in this section by the inflation factor for that tax year and round the product to the nearest \$10. The resulting adjusted exemptions are effective for that tax year and must be used in calculating the tax imposed in 15-30-103."

**Insert: "Section 4.** Section 15-30-142, MCA, is amended to read:

**"15-30-142. Returns and payment of tax -- penalty and interest -- refunds -- credits.** (1) For both resident and nonresident taxpayers, each single individual and each married individual not filing a joint return with a spouse and having a gross income for the tax year of more than \$3,560, as adjusted under the provisions of subsection (6), and married individuals not filing separate returns and having a combined gross income for the tax year of more than \$7,120, as adjusted under the provisions of subsection (6), are liable for a return to be filed on forms and according to rules that the department may prescribe. The gross income amounts referred to in the preceding sentence must be increased by ~~\$1,900~~ \$2,560, as adjusted under the provisions of 15-30-112(6), for each additional personal exemption allowance that the taxpayer is entitled to claim for the taxpayer and the taxpayer's spouse under 15-30-112(3) and (4).

(2) In accordance with instructions set forth by the department, each taxpayer who is married and living with husband or wife and is required to file a return may, at the taxpayer's option, file a joint return with husband or wife even though one of the spouses has neither gross income nor deductions. If a joint return is made, the tax must be computed on the aggregate taxable income and the liability with respect to the tax is joint and several. If a joint return has been filed for a tax year, the spouses may not file separate returns after the time for filing the return of either has expired unless the department consents.

(3) If a taxpayer is unable to make the taxpayer's own return, the return must be made by an authorized agent or by a guardian or other person charged with the care of the person or property of the taxpayer.

(4) All taxpayers, including but not limited to those subject to the provisions of 15-30-202 and 15-30-241, shall compute the amount of income tax payable and shall, on or before the date required by this chapter for filing a return, pay to the department any balance of income tax remaining unpaid after crediting the amount withheld, as provided by 15-30-202, and any payment made by reason of an estimated tax return provided for in 15-30-241. However, the tax computed must be greater by \$1 than the amount withheld and paid

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by estimated return as provided in this chapter. If the amount of tax withheld and the payment of estimated tax exceed by more than \$1 the amount of income tax as computed, the taxpayer is entitled to a refund of the excess.

(5) If the department determines that the amount of tax due is greater than the amount of tax computed by the taxpayer on the return, the department shall mail a notice to the taxpayer as provided in 15-30-323 of the additional tax proposed to be assessed, including penalty and interest as provided in 15-1-216.

(6) By November 1 of each year, the department shall multiply the minimum amount of gross income necessitating the filing of a return by the inflation factor for the tax year. These adjusted amounts are effective for that tax year, and persons who have gross incomes less than these adjusted amounts are not required to file a return.

(7) Individual income tax forms distributed by the department for each tax year must contain instructions and tables based on the adjusted base year structure for that tax year."

**Insert:** "NEW SECTION. Section 5. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 15, chapter 30, and the provisions of Title 15, chapter 30, apply to [section 1]."

**Insert:** "NEW SECTION. Section 6. Effective date. [This act] is effective on passage and approval."

**Insert:** "NEW SECTION. Section 7. Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to tax years beginning after December 31, 2006."

Amendment **not** adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash.  
Total 24

Nays: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 26

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 833** - Senator Elliott moved that Senator Barkus' amendment be removed. Motion carried as follows:

Yeas: Cobb, Cocchiarella, Elliott, Gallus, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 26

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Gillan, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 24

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

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**HB 833** - Senator Balyeat moved **HB 833**, second reading copy, be amended as follows:

1. Title, page 1, line 10, through page 1, line 19.

**Strike:** "CONFORMING" on page 1, line 10 through "YEAR;" on page 1, line 19

**Strike:** "PROVIDING" on page 1, line 25 through "MCA;" on page 5, line 13

**Following:** "~~IMMEDIATE~~"

**Insert:** "AN IMMEDIATE"

**Strike:** "DATES" in both places

**Insert:** "DATE" in both places

**Following:** "~~RETROACTIVE~~"

**Insert:** "AN"

2. Page 6, line 7 through page 16, line 22.

**Strike:** section 1 through section 8 in their entirety

**Renumber:** subsequent sections

3. Page 16, line 24.

**Strike:** "10 THROUGH 12"

**Insert:** "1 through 4"

4. Page 19, line 6.

**Strike:** "10"

**Insert:** "2"

5. Page 18, line 4 through line 5.

**Strike:** "[SECTION]" on line 4 through "12]" on line 5

6. Page 19, line 20 through page 124, line 12.

**Strike:** section 13 through section 120 in their entirety

**Renumber:** subsequent sections

7. Page 124, lines 14 and 15.

**Strike:** "DATES" on line 14

**Insert:** "date"

**Strike:** "(1)"

**Strike:** "[SECTIONS]" on line 14 through "ARE" on line 15

**Insert:** "[This act] is"

8. Page 124, line 16 through line 17.

**Strike:** subsections (2) and (3) in their entirety

9. Page 124, line 19 through line 22.

**Strike:** "(1)" on line 19 through "(2)" on line 22

**Strike:** "9 THROUGH 11" line 22

**Insert:** "1 through 3"

10. Page 124, line 23.

**Strike:** "9 THROUGH 11"

**Insert:** "1 through 3"

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11. Page 124, line 14 through page 125, line 9.

**Strike:** subsections (3) through subsection (8) in their entirety

12. Page 125, line 11 through line 22.

**Strike:** section 123 in its entirety

Amendment **not** adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 23

Nays: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 27

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 833** - Senator Balyeat moved **HB 833**, second reading copy, be amended as follows:

1. Page 48, line 30.

**Strike:** "1%"

**Insert:** "0.5%"

Amendment adopted unanimously.

**HB 833** - Senator Elliott moved **HB 833**, as amended, be concurred in. Motion carried as follows:

Yeas: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 26

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash.

Total 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 257** - Senator Elliott moved **HB 257**, second reading copy, be amended as follows:

1. Page 1, line 26.

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**Following:** "(3)"

**Insert:** "except as provided in subsection (5),"

2. Page 1, line 29.

**Following:** "remedies"

**Insert:** "unless there is a rational basis for the department to distinguish them"

3. Page 2, line 3.

**Following:** "department,"

**Insert:** "upon consideration of all facts relevant to the specific taxpayer,"

Amendment adopted unanimously.

**HB 257** - Senator Essmann moved **HB 257**, as amended, be concurred in. Motion carried with Senator Harrington, Kaufmann voting nay.

**HB 529** - Senator Elliott moved consideration of **HB 529** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**HB 330** - Senator Lewis moved **HB 330**, second reading copy, be amended as follows:

1. Page 2, line 17.

**Strike:** "19"

**Insert:** "18"

2. Page 2, line 21.

**Strike:** "19"

**Insert:** "18"

3. Page 2, line 25.

**Strike:** "19"

**Insert:** "18"

4. Page 4, line 30.

**Strike:** "17"

**Insert:** "16"

5. Page 6, line 8 through line 9.

**Strike:** "or" on line 8 through "county" on line 9

6. Page 6, line 13 through page 7, line 11.

**Strike:** section 9 in its entirety

**Renumber:** subsequent sections

7. Page 7, line 14.

**Strike:** "19"

**Insert:** "18"

8. Page 7, line 20.

**Strike:** "19"



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**Insert:** "18"

9. Page 7, line 30.

**Strike:** "19"

**Insert:** "18"

10. Page 8, line 1.

**Strike:** "19"

**Insert:** "18"

11. Page 8, line 24.

**Strike:** "19"

**Insert:** "18"

12. Page 8, line 29.

**Strike:** "19"

**Insert:** "18"

13. Page 9, line 6.

**Strike:** "19"

**Insert:** "18"

14. Page 9, line 16.

**Strike:** "19"

**Insert:** "18"

15. Page 9, line 18.

**Strike:** "19"

**Insert:** "18"

16. Page 9, line 24.

**Strike:** "19"

**Insert:** "18"

17. Page 9, line 29.

**Strike:** "19"

**Insert:** "18"

18. Page 10, line 10.

**Strike:** "19"

**Insert:** "18"

19. Page 10, line 12.

**Strike:** "19"

**Insert:** "18"

20. Page 11, line 11.

**Strike:** "19"

**Insert:** "18"

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21. Page 11, line 12.

**Strike:** "19"

**Insert:** "18"

22. Page 11, line 13.

**Strike:** "19"

**Insert:** "18"

23. Page 11, line 25.

**Strike:** "19"

**Insert:** "18"

24. Page 12, line 10.

**Strike:** "19"

**Insert:** "18"

25. Page 12, line 12.

**Strike:** "19"

**Insert:** "18"

26. Page 12, line 18.

**Strike:** "22"

**Insert:** "21"

Amendment adopted unanimously.

**HB 330** - Senator Lind moved **HB 330**, second reading copy, be amended as follows:

1. Page 4, line 13.

**Strike:** "with or without advertising for bids,"

Amendment adopted with Senator Balyeat, Barkus, O'Neil voting nay.

Senate in recess at 4:24 p.m.

Senate reconvened at 4:29 p.m.

Senator Wanzenried in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 330** - Senator Lind moved **HB 330**, as amended, do pass. Motion carried as follows:

Yeas: Black, Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 34

Nays: Bales, Balyeat, Barkus, Brown, Curtiss, Esp, Essmann, Jackson, Laible, McGee, O'Neil, Perry, Shockley,

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Steinbeisser, Story, Tash.  
Total 16

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 463** - Senator Laslovich moved **HB 463**, second reading copy, be amended as follows:

1. Title, page 1, line 11.

**Following:** "ADDED-MANUFACTURING;"

**Insert:** "PROVIDING TAX INCENTIVES FOR THE DEVELOPMENT OF CLEAN ENERGY RESOURCES; PROVIDING PROPERTY TAX ABATEMENTS FOR CLEAN ENERGY-RELATED PROPERTY; REVISING CLASS FOURTEEN PROPERTY TO INCLUDE TAXATION OF CERTAIN NEW TECHNOLOGY FACILITIES AND TRANSMISSION LINES; CREATING A NEW CLASS OF PROPERTY TAXES FOR CERTAIN PIPELINES; ESTABLISHING A 20-YEAR PARTIAL TAX ABATEMENT FOR COAL PRODUCED FOR CERTAIN NEW TECHNOLOGY FACILITIES;"

2. Title, line 11.

**Following:** "15-6-135,"

**Insert:** "15-6-141, 15-6-157,"

3. Title, page 13.

**Following:** "15-24-2405,"

**Insert:** "15-35-103,"

4. Page 7, line 15.

**Insert:** "NEW SECTION. Section 8. Definitions. As used in [sections 8 through 11], unless the context requires otherwise, the following definitions apply:

(1) "Biodiesel" has the meaning provided in 15-70-301.

(2) "Biodiesel production facility" means improvements and personal property used for the production and onsite storage of biodiesel.

(3) "Biogas" means methane gas produced through controlled biochemical processes in which bacteria digest animal, municipal, or other organic wastes in an oxygen-free environment. The term includes naturally occurring methane gas formed underground in landfills.

(4) "Biogas production facility" means improvements and personal property used for the production of biogas and the generation of electricity at the facility.

(5) "Biomass" means any renewable organic matter, including dedicated energy crops and trees, agricultural food and feed crops, agricultural crop wastes and residues, wood wastes and residues, aquatic plants, animal wastes, municipal wastes, and other organic waste materials.

(6) "Biomass gasification" means a technology that uses a thermochemical process to convert biomass into a low-Btu or medium-Btu gas for the purpose of producing electricity, methane gas, transportation fuels, or chemicals. The technology includes the pretreatment of biomass feedstock involving drying, pulverizing, and screening.

(7) "Biomass gasification facility" means improvements and personal property used for the production of fuel or chemicals and the generation of electricity from biomass at the facility.

(8) "Clean advanced coal research and development equipment" means equipment used primarily for

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research and development of emerging methods for pollution control, carbon capture, and carbon sequestration. The term includes equipment used for research and development of effective and efficient removal of various pollutants and the capture, storage, transportation, compression, and injection of carbon dioxide from coal combustion utility and industrial facilities and advanced coal conversion facilities.

(9) "Coal gasification" means a process that converts coal into a synthesis gas composed of carbon monoxide, hydrogen, and other gases. The coal gasification process includes the reaction of coal feedstock, prepared in either a dry or slurried form, with steam and oxygen at high temperature and pressure in a reducing atmosphere. The synthesis gas is then used to produce electricity, liquid fuels, methane gas, or chemicals.

(10) "Coal gasification facility" means improvements and personal property used for coal gasification that is used for the production of fuel or chemicals or the generation of electricity, or any combination of those things, at the facility. The term includes a coal-to-liquid facility or an integrated gasification combined cycle facility.

(11) (a) "Coal-to-liquid facility" means improvements and personal property used for the production of synthetic liquid fuels from coal. The term includes a facility that may use the Fischer-Tropsch process, or other processes, to convert synthesis gas produced by coal gasification into liquid fuel.

(b) For purposes of subsection (11)(a), "Fisher-Tropsch process" means the synthesis of hydrocarbons and, to a lesser extent, of aliphatic oxygenated compounds by the catalytic hydrogenation of carbon monoxide.

(12) "Commencement of construction" means initiation of onsite fabrication, erection, or installation of, but not limited to, the following:

- (a) building supports or foundations;
- (b) laying of underground pipework; or
- (c) construction of storage structures.

(13) "Ethanol" means nominally anhydrous ethyl alcohol that has been denatured as specified in 27 CFR, parts 20 and 21, and that meets the standards for ethanol adopted pursuant to 82-15-103.

(14) "Ethanol production facility" means improvements and personal property used for the production and onsite storage of ethanol.

(15) "Geothermal facility" means improvements and personal property used for the production of electricity from geothermal sources.

(16) "Integrated gasification combined cycle facility" means improvements and personal property of an electrical generation facility that uses a coal gasification process and routes synthesis gas to a combustion turbine to generate electricity and the heat from the turbine drives a steam turbine to produce more electricity. The facility may also use incidental amounts of natural gas or other fuels in the combustion turbine.

(17) "Renewable energy" includes the following:

- (a) solar energy;
- (b) wind energy;
- (c) geothermal energy;
- (d) energy from the conversion of biomass;
- (e) energy from biogas;
- (f) energy from fuel cells that do not require a petroleum-based fuel; and
- (g) energy from waste heat.

(18) (a) "Renewable energy manufacturing facility" means improvements and personal property used by a facility with its principal business being the manufacturing of material, component parts, systems, or similar equipment for use in facilities that produce renewable energy or that convert renewable energy into forms of energy useful to people, including electricity. The term includes equipment used for manufacturing of electric motor vehicles or hybrid electric motor vehicles.

(b) For purposes of subsection (18)(a), "principal business" means a renewable energy manufacturing facility with annual gross receipts from the sale of renewable energy component parts and systems equal to at least 50% of the facility's total gross sales for the year.

(19) "Renewable energy research and development equipment" means equipment used primarily for research and development of the efficient use of renewable energy sources. The term includes equipment used for research and development of electric motor vehicles or hybrid electric motor vehicles."

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**Insert: "NEW SECTION. Section 9. Energy production or development -- tax abatement -- eligibility.**

(1) A facility listed in subsection (3), clean advanced coal research and development equipment, and renewable energy research and development equipment may qualify for an abatement of property tax liability pursuant to [section 10].

(2) (a) If the abatement is granted, the qualifying facility or equipment must be assessed at 50% of its taxable value for the qualifying period.

(b) The abatement applies to all mills levied against the qualifying facility or equipment.

(3) Subject to subsection (4), the following facilities or property may qualify for the abatement allowed under [sections 8 through 11]:

(a) biodiesel production facilities;

(b) biogas production facilities;

(c) biomass gasification facilities;

(d) coal gasification facilities that sequester at least 65% of the carbon dioxide from the coal gasification process;

(e) ethanol production facilities;

(f) geothermal facilities;

(g) renewable energy manufacturing facilities;

(h) renewable energy research and development equipment and clean advanced coal research and development equipment if the market value of the equipment when placed in service is equal to or greater than \$150,000 but is not more than \$1 million;

(i) a natural gas combined cycle facility that sequesters carbon dioxide;

(j) transmission lines classed in 15-6-157;

(k) liquid pipelines as defined in [section 16];

(l) carbon dioxide pipelines as defined in [section 16]; and

(m) carbon sequestration equipment as defined in [section 16].

(4) (a) In order to qualify for the abatement under [sections 8 through 11], a facility listed in subsection (3) must meet the following requirements:

(i) commencement of construction of the facility must occur after June 1, 2007; and

(ii) the standard prevailing rate of wages for heavy construction, as provided in 18-2-401(13)(a), must be paid during the construction phase of the facility.

(b) In order to qualify for the abatement under [sections 8 through 11], renewable energy research and development equipment and clean advanced coal research and development equipment must be placed into service after June 30, 2007.

(5) The facility or renewable energy research and development equipment and clean advanced coal research and development equipment must be certified by the department of environmental quality as provided in [section 10].

(6) Upon termination of the qualifying period, the abatement ceases and the property for which the abatement had been granted must be assessed at 100% of its taxable value.

(7) For the purposes of this section, "qualifying period" means the construction period and the first 10 years after the facility commences operation or the research and development equipment or clean advanced coal research and development equipment is purchased. The total time of the qualifying period may not exceed 14 years."

**Insert: "NEW SECTION. Section 10. Qualified certification -- application -- approval -- revocation. (1)**

In order for the taxpayer to receive the abatement described in [section 9], the taxpayer shall submit an application to the department of environmental quality as provided in this section.

(2) The application must be on a form provided by the department of environmental quality and must be submitted by the taxpayer to the department of environmental quality at least 90 days before the commencement of construction or, in the case of renewable energy research and development equipment and clean advanced coal research and development equipment, at least 90 days before the equipment is placed in service. The application must include:

(a) the taxpayer's name, business address, telephone and fax numbers, incorporation information, and

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federal tax identification number;

(b) the address and telephone and fax numbers of the taxpayer's Montana office;

(c) the date scheduled for commencement of construction or the date when the equipment was or will be purchased;

(d) a description of the facility or equipment for which the abatement is sought;

(e) a statement affirming that the standard prevailing rate of wages for heavy construction, as provided in 18-2-401(13)(a), will be paid during the construction phase of the facility; and

(f) a statement affirming that all other requirements for certification under [sections 8 through 11] have been satisfied.

(3) The application must be signed by the president, secretary, managing agent, or another officer that the company designates. The statement is treated as a statement under oath or equivalent affirmation for the purpose of 45-7-202, relating to the criminal offense of false swearing.

(4) (a) The department of environmental quality shall notify the taxpayer within 90 days of receipt of the application as to whether the facility or equipment meets the requirements for the property tax abatement.

(b) If the department of environmental quality approves the application, it shall provide a certification number to the taxpayer and notify the department of revenue of the approval and certification number.

(5) If the department of environmental quality determines, after notice and opportunity for a hearing, that a taxpayer has violated the provisions of [sections 8 through 11], the department may revoke a taxpayer's certification granted under this section. The department of environmental quality shall consult with the department of revenue and other appropriate agencies prior to commencing the revocation procedures. If a certification is revoked, the department of environmental quality shall notify the department of revenue within 30 days.

(6) If a taxpayer's certification is revoked, the taxpayer forfeits the abatement. Upon revocation, the property must be assessed at 100% of its taxable value beginning on January 1 of the year in which the certification is revoked and any remaining abatement must be forfeited. The taxpayer is immediately liable for any additional taxes, penalties, and interest resulting from the default.

(7) A taxpayer that has forfeited any portion of its abatement due to revocation may not reapply for an abatement under [sections 8 through 11].

(8) If a taxpayer is aggrieved by a determination made by the department of environmental quality or the department of revenue, the taxpayer has the right to the review procedures in 15-1-211 and to a hearing under Title 2, chapter 4, part 6."

**Insert: "NEW SECTION. Section 11. Rules.** (1) The department of environmental quality shall adopt rules related to the procedures for reviewing applications for the property tax abatement and the criteria for granting or denying an application for abatement under [sections 8 through 11]. The rules must also include criteria for revoking a certification under [section 10].

(2) The department of revenue shall adopt rules for the implementation, including the valuation of qualifying property, and administration of [section 10].

(3) The department of environmental quality and the department of revenue shall consult with each other and other relevant agencies before adopting rules under this section."

**Renumber:** subsequent sections

5. Page 11, line 12.

**Insert: "Section 14.** Section 15-6-141, MCA, is amended to read:

**"15-6-141. Class nine property -- description -- taxable percentage.** (1) Class nine property includes:

(a) centrally assessed allocations of an electric power company or centrally assessed allocations of an electric power company that owns or operates transmission or distribution facilities or both, including, if congress passes legislation that allows the state to tax property owned by an agency created by congress to transmit or distribute electrical energy, allocations of properties constructed, owned, or operated by a public agency created by congress to transmit or distribute electrical energy produced at privately owned generating facilities, not including rural electric cooperatives. However, rural electric cooperatives' property, except wind

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generation facilities classified under 15-6-157, used for the sole purpose of serving customers representing less than 95% of the electric consumers located within the incorporated limits of a city or town of more than 3,500 persons in which a centrally assessed electric power company also owns property or serving an incorporated municipality with a population that is greater than 3,500 persons formerly served by a public utility that after January 1, 1998, received service from the facilities of an electric cooperative is included. For purposes of this subsection (1)(a), "property used for the sole purpose" does not include a headquarters, office, shop, or other similar facility.

(b) allocations for centrally assessed natural gas companies having a major distribution system in this state; and

(c) centrally assessed companies' allocations except:

(i) electrical generation facilities classified under 15-6-156 and ~~wind generation facilities~~ all property classified under 15-6-157;

(ii) property owned by cooperative rural electric and cooperative rural telephone associations and classified under 15-6-135;

(iii) property owned by organizations providing telephone communications to rural areas and classified under 15-6-135;

(iv) railroad transportation property included in 15-6-145;

(v) airline transportation property included in 15-6-145; and

(vi) telecommunications property included in 15-6-156.

(2) Class nine property is taxed at 12% of market value."

**Insert: "Section 15.** Section 15-6-157, MCA, is amended to read:

**"15-6-157. Class fourteen property -- description -- taxable percentage.** (1) Class fourteen property includes:

(a) wind generation facilities of a centrally assessed electric power company;

(b) wind generation facilities owned or operated by an exempt wholesale generator or an entity certified as an exempt wholesale generator pursuant to section 32 of the Public Utility Holding Company Act of 1935, 15 U.S.C. 79z-5a;

(c) noncentrally assessed wind generation facilities owned or operated by any electrical energy producer;

(d) wind generation facilities owned or operated by cooperative rural electric associations described under 15-6-137;

(e) all property of a biodiesel production facility, as defined in [section 8];

(f) all property of a biogas production facility, as defined in [section 8];

(g) all property of a biomass gasification facility, as defined in [section 8];

(h) all property of a coal gasification facility, as defined in [section 8], that sequesters carbon dioxide;

(i) all property of an ethanol production facility, as defined in [section 8];

(j) all property of a geothermal facility, as defined in [section 8];

(k) all property of an integrated gasification combined cycle facility, as defined in [section 8], that sequesters carbon dioxide;

(l) all property of a renewable energy manufacturing facility, as defined in [section 8];

(m) all property of a natural gas combined cycle facility;

(n) equipment that is used to capture and to prepare for transport carbon dioxide that will be sequestered or injected for the purpose of enhancing the recovery of oil that is installed in a facility constructed before July 1, 2007;

(o) high-voltage direct-current transmission lines and associated equipment and structures, including converter stations and interconnections:

(i) that provide access to energy markets for new Montana electrical generation facilities certified under [sections 8 through 11];

(ii) that have at least 100 miles of transmission line with at least one converter station in Montana or \$250 million in investment;

(iii) that have one or more converter stations in Montana to provide direct-current transmission line access for

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the output of new electrical generation facilities in Montana certified under [sections 8 through 11]; and

(iv) that are certified under the Montana Major Facility Siting Act;

(p) all property of pipelines, including pumping and compression equipment, carrying products other than carbon dioxide, that originate at facilities specified in this subsection (1), with at least 90% of the product carried by the pipeline originating at facilities specified in this subsection (1) and terminating at an existing pipeline;

(q) the qualified portion of a transmission line and its associated equipment and structures, including interconnections built after June 1, 2007.

(2) (a) The qualified portion of a transmission line is that percentage of an electrical transmission line used to transmit power from a generation facility specified in subsection (1).

(b) The department of environmental quality shall determine the portion of the value of a transmission line that is classified as class fourteen property when the line becomes operational and shall review the classification every 10 years. The classified portion of an electrical transmission line is that percentage of firm carrying capacity of the line to be used by buyers or sellers of electricity generated by a facility specified in subsection (1).

(c) The owner of property described under this subsection (2) shall apply for classification under this section. The owner shall disclose the location of the generation facilities specified in subsection (1) and information sufficient to demonstrate that there is a contract for firm carrying capacity available continuously throughout the year. The owner is not required to disclose financial terms and conditions of contracts.

~~(2)(3)~~ Class fourteen property does not include ~~wind-generation~~ facilities:

(a) at which the standard prevailing rate of wages for heavy construction, as provided in 18-2-401(13)(a), was not paid during the construction phase; or

(b) that are exempt under 15-6-225.

~~(3)(4)~~ For the purposes of this section, "wind generation facilities" means any combination of a physically connected wind turbine or turbines, associated prime movers, and other associated property, including appurtenant land and improvements and personal property, that are normally operated together to produce electric power from wind.

(5) (a) The department of environmental quality shall determine whether to certify that a transmission line meets the criteria of subsection (1)(o) based on an application provided for in [section 10]. The department of environmental quality shall review the certification 10 years after the line is operational, and if the property no longer meets the requirements of subsection (1)(o), the certification must be revoked.

(b) If the department of environmental quality finds that a certification previously granted was based on an application that the applicant knew was false or fraudulent, the department of environmental quality shall notify the department of revenue and the property must be placed in class nine under 15-6-141. If the application was fraudulent, the applicant may be liable for additional taxes, penalty, and interest from the time the certification was in effect.

~~(4)(6)~~ Class fourteen property is taxed at 3% of its market value."

**Insert: "NEW SECTION. Section 16. Class fifteen property -- description -- taxable percentage. (1)**

Class fifteen property includes:

(a) carbon dioxide pipelines certified by the department of environmental quality for the transportation of carbon dioxide for the purposes of sequestration or for use in closed-loop enhanced oil recovery operations;

(b) qualified liquid pipelines certified by the department of environmental quality;

(c) carbon sequestration equipment; and

(d) equipment used in closed-loop enhanced oil recovery operations.

(2) For the purposes of this section, the following definitions apply:

(a) "Carbon dioxide pipeline" means a pipeline that transports carbon dioxide from a plant or facility that produces or captures carbon dioxide to a carbon sequestration point or to a closed-loop enhanced oil recovery operation.

(b) "Carbon sequestration" means the long-term storage of carbon dioxide in geologic formations, including but not limited to deep saline formations, basalt or oil shale formations, depleted oil and gas reservoirs, unmineable coal beds, and closed-loop enhanced oil recovery operations.



SENATE JOURNAL  
EIGHTY-FIRST LEGISLATIVE DAY - APRIL 17, 2007

(c) "Carbon sequestration equipment" means the equipment used for carbon sequestration, including equipment used to inject carbon dioxide at the carbon sequestration point and equipment used to restrain carbon dioxide in the sequestration location.

(d) "Carbon sequestration point" means the location where the carbon dioxide is to be confined for sequestration.

(e) "Closed-loop enhanced oil recovery operation" means an operation that, after construction, installation, and testing has been completed and the full enhanced oil recovery process has been commenced, injects carbon dioxide to increase the amount of crude oil that can be recovered from a well and retains as much of the injected carbon dioxide as practicable, but not less than 85% of the carbon dioxide injected each year absent catastrophic or unforeseen occurrences.

(f) "Liquid pipeline" means a pipeline that is dedicated to using 90% of its pipeline capacity for transporting fuel or methane gas from a coal gasification facility, biodiesel production facility, biogas production facility, or ethanol production facility.

(g) "Plant or facility that produces or captures carbon dioxide" means a facility that produces a flow of carbon dioxide that can be sequestered or used in a closed-loop enhanced oil recovery operation. This does not include wells from which the primary product is carbon dioxide.

(3) Class fifteen property does not include a carbon dioxide pipeline, liquid pipeline, or closed-loop enhanced oil recovery operation for which, during construction, the standard prevailing wages for heavy construction, as provided in 18-2-401(13)(a), were not paid during the construction phase.

(4) Before adopting rules, the department of environmental quality shall consult with the board of oil and gas conservation regarding requirements for the management of closed-loop enhanced oil recovery projects after extraction of oil has ceased. Prior to cessation of extraction of oil, regulatory control of enhanced oil recovery projects is under the board of oil and gas conservation.

(5) Class fifteen property is taxed at 3% of its market value."

**Renumber:** subsequent sections

6. Page 14, line 15.

**Insert:** "Section 19. Section 15-35-103, MCA, is amended to read:

**"15-35-103. Severance tax -- rates imposed.** (1) A severance tax is imposed on each ton of coal produced in the state, ~~in accordance with the~~ Subject to subsection (4), the rate of the tax is determined according to the following schedule:

Heating quality (Btu per pound of coal):	Surface Mining	Underground Mining
Under 7,000	10% of value	3% of value
7,000 and over	15% of value	4% of value

(2) "Value" means the contract sales price.

(3) A person is not liable for any severance tax upon 50,000 tons of the coal that the person produces in a calendar year, except that if more than 50,000 tons of coal are produced in a calendar year, the producer is liable for severance tax upon all coal produced in excess of the first 20,000 tons.

(4) (a) The following production is subject to taxation at a rate that is one-half of the applicable rate established in subsection (1):

(i) the first 20 years of production from a new mine if at least 50% of the production of the coal produced by the mine is used in facilities described in 15-6-157(1)(h) or (1)(k);

(ii) the first 20 years of increased production of coal produced by an existing mine if the production of coal is used in facilities described in 15-6-157(1)(h) or (1)(k).

(b) In order to qualify for the reduced rate under subsection (4)(a), the taxpayer must apply for the exemption. In order to qualify under subsection (4)(a)(i), the taxpayer must have made an application for a coal strip mine under Title 82, chapter 4, part 1, by June 30, 2017. An application under subsection (4)(a)(ii) must be made prior to June 30, 2027. A qualifying taxpayer is entitled to the reduced rate under this subsection (4) for 20 years after the application is approved.

(c) For the purposes of subsection (4)(a)(ii), new production is production that is in excess of the

SENATE JOURNAL  
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average production of the mine in the previous 3 years.

(d) (i) An exemption under subsection (4)(a) is effective on the first day of the next fiscal quarter.

(ii) The exemptions under subsections (4)(a)(i) and (4)(a)(ii) continue for the full 20-year term if the number of tons of production necessary to qualify for the exemption in the first year do not decrease."

**Renumber:** subsequent sections

7. Page 15, line 23.

**Following:** "instruction."

**Insert:** "(1)"

8. Page 15.

**Following:** line 25

**Insert:** "(2) [Sections 8 through 11] are intended to be codified as an integral part of Title 15, and the provisions of Title 15 apply to [sections 8 through 11].

(3) [Section 16] is intended to be codified as an integral part of Title 15, chapter 6, and the provisions of Title 15, chapter 6, apply to [section 16]."

**Insert:** "NEW SECTION. Section 23. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

**Renumber:** subsequent sections

9. Page 16, line 5.

**Following:** "APPLICABILITY."

**Insert:** "(1)"

**Strike:** "[THIS ACT] APPLIES"

**Insert:** "[Sections 1 through 7, 12, 13, 17, 18, and 20] apply"

10. Page 16.

**Following:** line 6

**Insert:** "(2) [Sections 8 through 11, 14 through 16, and 19] apply to tax years after January 1, 2007."

Amendment adopted as follows:

Yeas: Bales, Black, Brueggeman, Cocchiarella, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Kitzenberg, Laslovich, Lind, Moss, Pease, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, Weinberg, Williams, Mr. President.

Total 26

Nays: Balyeat, Barkus, Brown, Cobb, Curtiss, Esp, Essmann, Jackson, Juneau, Kaufmann, Laible, Larson, Lewis, McGee, Murphy, O'Neil, Perry, Shockley, Stapleton, Story, Tash, J.Tropila, M.Tropila, Wanzenried.

Total 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 463** - Senator Lind moved **HB 463**, second reading copy, be amended as follows:

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1. Title, line 11.

**Following:** "ADDED-MANUFACTURING;"

**Insert:** "PROVIDING A 3-YEAR PROPERTY TAX HOLIDAY FOR NEW COAL BED METHANE WATER REINJECTION EQUIPMENT;"

**Following:** "15-6-135,"

**Insert:** "15-6-138, 15-6-213,"

2. Page 11, line 12.

**Insert:** "Section 10. Section 15-6-138, MCA, is amended to read:

**"15-6-138. Class eight property -- description -- taxable percentage.** (1) Class eight property includes:

- (a) all agricultural implements and equipment that are not exempt under 15-6-207 or 15-6-220;
- (b) all mining machinery, fixtures, equipment, tools that are not exempt under 15-6-219, and supplies except those included in class five;
- (c) all oil and gas production machinery, fixtures, equipment, including pumping units, oil field storage tanks, water storage tanks, water disposal injection pumps, gas compressor and dehydrator units, communication towers, gas metering shacks, treaters, gas separators, water flood units, gas boosters, and similar equipment that is skidable, portable, or movable, equipment not exempt under 15-6-213(2), tools that are not exempt under 15-6-219, and supplies except those included in class five;
- (d) all manufacturing machinery, fixtures, equipment, tools, except a certain value of hand-held tools and personal property related to space vehicles, ethanol manufacturing, and industrial dairies and milk processors as provided in 15-6-220, and supplies except those included in class five;
- (e) all goods and equipment that are intended for rent or lease, except goods and equipment that are specifically included and taxed in another class;
- (f) special mobile equipment as defined in 61-1-101;
- (g) furniture, fixtures, and equipment, except that specifically included in another class, used in commercial establishments as defined in this section;
- (h) x-ray and medical and dental equipment;
- (i) citizens' band radios and mobile telephones;
- (j) radio and television broadcasting and transmitting equipment;
- (k) cable television systems;
- (l) coal and ore haulers;
- (m) theater projectors and sound equipment; and
- (n) all other property that is not included in any other class in this part, except that property that is subject to a fee in lieu of a property tax.

(2) As used in this section, "coal and ore haulers" means nonhighway vehicles that exceed 18,000 pounds an axle and that are primarily designed and used to transport coal, ore, or other earthen material in a mining or quarrying environment.

(3) "Commercial establishment" includes any hotel, motel, office, petroleum marketing station, or service, wholesale, retail, or food-handling business.

(4) Class eight property is taxed at 3% of its market value.

(5) The class eight property of a person or business entity that owns an aggregate of \$20,000 or less in market value of class eight property is exempt from taxation."

**Insert:** "Section 11. Section 15-6-213, MCA, is amended to read:

**"15-6-213. Down-hole equipment in oil and gas wells exempt -- coal bed methane water reinjection equipment.** (1) All down-hole equipment in oil and gas wells is exempt from taxation.

(2) All new coal bed methane water reinjection equipment is exempt from taxation for 3 tax years, including the year that the equipment became operational."

**Renumber:** subsequent sections

Amendment adopted as follows:

SENATE JOURNAL  
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Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 45

Nays: Balyeat, Jent, Juneau, Kaufmann, Shockley.  
Total 5

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 463** - Senator McGee moved **HB 463**, second reading copy, be amended as follows:

1. Page 4 of amendment #HB463-3 in New Section 9, subsection (4)(a).

**Strike:** (i)"

**Strike** "; and (ii)" though "facility"

2. Page 5 of amendment #HB463-3 in new section 10, subsection (2).

**Strike:** subsection (e) in its entirety.

**Renumber:** subsequent subsections

3. Page 9 of amendment #HB463-3 in Section 15. 15-6-157(3).

**Following:** "facilities"

**Strike:** (a)" through (b)"

4. Page 10 of amendment #HB463-3 in New Section 16.

**Following:** subsection (3) in its entirety

**Renumber:** subsequent subsections

Amendment **not** adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Esp, Essmann, Gebhardt, Jackson, McGee, O'Neil, Perry, Peterson, Stapleton, Steinbeisser, Story, Tash.  
Total 18

Nays: Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Ryan, Schmidt, Shockley, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 32

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

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**HB 463** - Senator Gillan moved **HB 463**, as amended, do pass. Motion **failed** as follows:

Yeas: Bales, Brueggeman, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Peterson, Ryan, Smith, Squires, Wanzenried, Weinberg, Williams, Mr. President.  
Total 24

Nays: Balyeat, Barkus, Black, Brown, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Juneau, Kaufmann, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Schmidt, Shockley, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila.  
Total 26

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 463** - Senator Stapleton moved **HB 463** be **indefinitely postponed**. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Brown, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Larson, Lewis, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila.  
Total 26

Nays: Black, Brueggeman, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laslovich, Lind, Moss, Ryan, Schmidt, Smith, Squires, Wanzenried, Weinberg, Williams, Mr. President.  
Total 24

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 529** - Senator Elliott moved **HB 529**, second reading copy, be further amended as follows:

1. Page 28, line 17.

**Strike:** "181%"

**Insert:** "183%"

2. Page 28, line 29.

**Strike:** "\$9,340,700"

**Insert:** "\$6,050,000"

3. Page 28, line 30.

**Following:** "PAYING"

**Strike:** "THE" on page 28, line 1 through "7]" on page 29, line 1

**Insert:** "K-12 base aid and \$400,000 from the general fund for the purpose of paying state reimbursements for school facilities"

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4. Page 29, line 4.

**Strike:** "55"

**Insert:** "10"

Amendment carried unanimously.

**HB 529** - Senator Elliott moved **HB 529**, as amended, do pass. Motion carried unanimously.

**SB 24 - Conference Committee Report No. 1** - Senator Lind moved the Conference Committee report to **SB 24** be adopted. Motion carried unanimously.

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Wanzenried moved the Committee of the Whole report be adopted. Report adopted unanimously.

**SPECIAL ORDERS OF THE DAY**

**LEGISLATIVE ADMINISTRATION** (Smith, Chairman):

5/2/2007

MR. PRESIDENT:

We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 12:00 p.m., Saturday, April 14, 2007:

TITLE

NAME

Pages:

Will Townsend, White Sulphur Springs  
Dylan Brown, Missoula  
Jamie Foy, Anaconda  
Chelsea Brauer, Billings  
Jessica Buckless, Polson  
Vance Larsen, Gerladine  
Rebecca Bitz, Trout Creek

and recommend that the following attaches of the Senate be employed as of 8:00 a.m., Monday, April 16, 2007:

TITLE

NAME

Pages:

Katherine King, Billings  
Faith Tash, Dillon  
Bryan Nickerson, Missoula  
Logan Lloyd, Ronan  
Keefe Toole, Helena  
Hannah Knobel, Conrad  
Dani Parker, St. Ignatius

Report Adopted.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

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Majority Leader Williams moved that the Senate adjourn until 1:00 p.m., Wednesday, April 18, 2007. Motion carried.

Senate adjourned at 9:10 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

**SENATE JOURNAL  
60TH LEGISLATURE  
EIGHTY-SECOND LEGISLATIVE DAY**

Helena, Montana  
April 18, 2007

Senate Chambers  
State Capitol

Senate convened at 1:00 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. Senator Brueggeman is excused. Quorum present.

Yeas: Bales, Barkus, Black, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 40

Nays: Balyeat, Brown, Gebhardt, Harrington, Jackson, Lind, McGee, O'Neil, Shockley.  
Total 9

Absent or not voting: None.  
Total 0

Excused: Brueggeman.  
Total 1

**MESSAGES FROM THE GOVERNOR**

April 17, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 36** sponsored by Senator Cocchiarella on April 17, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 17, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620



SENATE JOURNAL  
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 18, 2007

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 47** sponsored by Senator Esp on April 17, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 17, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 150** sponsored by Senator Gillan on April 17, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 17, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 160** sponsored by Senator Schmidt on April 17, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 17, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

SENATE JOURNAL  
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 18, 2007

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 169** sponsored by Senator Laslovich on April 17, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 17, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 177** sponsored by Senator Squires on April 17, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 17, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 193** sponsored by Senator Laslovich on April 17, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 17, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

SENATE JOURNAL  
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 18, 2007

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 248** sponsored by Senator Story on April 17, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 17, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 282** sponsored by Senator Lind on April 17, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 17, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 285** sponsored by Senator Cooney on April 17, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 17, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

SENATE JOURNAL  
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 18, 2007

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 286** sponsored by Senator Cooney on April 17, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 17, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 299** sponsored by Senator Moss on April 17, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 17, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 305** sponsored by Senator Laslovich on April 17, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 17, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

SENATE JOURNAL  
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 18, 2007

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 364** sponsored by Senator Story on April 17, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 17, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 367** sponsored by Senator Lind on April 17, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 17, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 374** sponsored by Senator Cooney on April 17, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 17, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

SENATE JOURNAL  
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 18, 2007

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 378** sponsored by Senator Gillan on April 17, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 17, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 414** sponsored by Senator Laslovich on April 17, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 17, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 440** sponsored by Senator J. Tropila on April 17, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 17, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

SENATE JOURNAL  
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 18, 2007

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 453** sponsored by Senator Essmann on April 17, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 17, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 459** sponsored by Senator Elliott on April 17, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 17, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 480** sponsored by Senator Lind on April 17, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 17, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

SENATE JOURNAL  
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 18, 2007

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 502** sponsored by Senator Cooney on April 17, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 17, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 527** sponsored by Senator Gillan on April 17, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

**REPORTS OF SELECT COMMITTEES**

CONFERENCE COMMITTEE  
on House Amendments to **Senate Bill 74**  
Report No. 1, April 17, 2007

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 74** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 74** (reference copy -- salmon) be amended as follows:

1. Page 3, line 1 through 2.

**Strike:** "¿" on line 1 through "(A)" on line 2

2. Page 3, line 3.

**Following:** "PROPERTY"

**Strike:** "¿ OR"

**Insert:** "that is designated as a title loan by the department."

3. Page 3, line 4 through line 5.

**Strike:** subsection (B) in its entirety



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For the Senate:

Jent, Chairman  
Moss  
McGee

For the House:

Mendenhall, Chairman  
Milburn  
Keane

CONFERENCE COMMITTEE  
on Senate Amendments to **House Bill 608**  
Report No. 1, April 18, 2007

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 608** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that Senate amendments to **House Bill 608** (reference copy -- salmon) be accepted by the House.

For the House:

Olson, Chairman  
Wells  
Jayne

For the Senate:

Kaufmann, Chairman  
Williams  
Lewis

CONFERENCE COMMITTEE  
on Senate Amendments to **House Bill 668**  
Report No. 1, April 18, 2007

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 668** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 668** (reference copy -- salmon) be amended as follows:

1. Page 2, line 13.

**Following:** "INFORMATION"

**Insert:** ", as defined in 44-5-103,"

2. Page 2, line 14.

**Following:** "PRACTICE"

**Insert:** ", but the board may not record or retain any confidential criminal justice information without complying with the provisions of the Montana Criminal Justice Information Act of 1979, Title 44, chapter 5"

For the House:

Stahl, Chairman  
Everett  
Kottel

For the Senate:

Cocchiarella, Chairman  
Squires  
Steinbeisser

MESSAGES FROM THE OTHER HOUSE

SENATE JOURNAL  
EIGHTY-SECOND LEGISLATIVE DAY - APRIL 18, 2007

**HB 304** - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **HB 304:**  
4/17/2007

Representative Furey, Chair  
Representative Barrett  
Representative L. Jones

**HB 829** - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **HB 829:**  
4/17/2007

Representative L. Jones, Chair  
Representative Barrett  
Representative Augare

**HB 830** - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **HB 830:**  
4/17/2007

Representative Kasten, Chair  
Representative Sinrud  
Representative Thomas

**HB 160** - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **HB 160:**  
4/17/2007

Representative Stoker, Chair  
Representative Ripley  
Representative Musgrove

**HB 678** - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **HB 678:**  
4/17/2007

Representative Lange, Chair  
Representative Glaser  
Representative Windy Boy

**HB 809** - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **HB 809:**  
4/17/2007

Representative Glaser, Chair  
Representative Wells  
Representative Villa

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments:  
4/17/2007

**SB 439**, introduced by Elliott

**HB 160** - The House failed to concur in Senate amendments to **HB 160**, authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 160:**  
4/17/2007

Representative , Chair

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Representative

**HB 304** - The House failed to concur in Senate amendments to **HB 304**, authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 304**:

4/17/2007

Representative , Chair  
Representative

**HB 678** - The House failed to concur in Senate amendments to **HB 678**, authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 678**:

4/17/2007

Representative , Chair  
Representative

**HB 809** - The House failed to concur in Senate amendments to **HB 809**, authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 809**:

4/17/2007

Representative , Chair  
Representative

**HB 829** - The House failed to concur in Senate amendments to **HB 829**, authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 829**:

4/17/2007

Representative , Chair  
Representative

**HB 830** - The House failed to concur in Senate amendments to **HB 830**, authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 830**:

4/17/2007

Representative , Chair  
Representative

**House joint resolution** passed and transmitted to the Senate for concurrence:

4/17/2007

**HJR 47**, introduced by French

**House joint resolution** passed and transmitted to the Senate for concurrence:

4/17/2007

**HJR 48**, introduced by MacLaren

**House joint resolution** passed and transmitted to the Senate for concurrence:

4/17/2007

**HJR 52**, introduced by Dickenson

**House joint resolution** passed and transmitted to the Senate for concurrence:

4/17/2007

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**HJR 59**, introduced by Himmelberger

**Governor's amendments to House bill** concurred in and transmitted to the Senate for concurrence in the Governor's amendments:

4/17/2007

**HB 259**, introduced by Reinhart

**Senate bill** concurred in and returned to the Senate:

4/17/2007

**SB 94**, introduced by Esp

**Senate bill** concurred in and returned to the Senate:

4/17/2007

**SB 128**, introduced by Laslovich

**Senate bill** concurred in and returned to the Senate:

4/17/2007

**SB 162**, introduced by Schmidt

**Senate bill** concurred in and returned to the Senate:

4/17/2007

**SB 348**, introduced by Gallus

**Senate bill** concurred in and returned to the Senate:

4/17/2007

**SB 382**, introduced by Laslovich

**Senate bill** concurred in and returned to the Senate:

4/17/2007

**SB 387**, introduced by Squires

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments:

4/17/2007

**SB 439**, introduced by Elliott

**Senate bill not** concurred in and returned to the Senate:

4/17/2007

**SB 271**, introduced by Brown

**Senate bill not** concurred in and returned to the Senate:

4/17/2007

**SB 391**, introduced by Weinberg

**MOTIONS**

**SEN. JOE BALLYEAT, SD 34, BOZEMAN** moved to change his vote on **HB 298** from "no" to "yes". Motion carried.

**SEN. JOE BALLYEAT, SD 34, BOZEMAN** moved to change his vote on **HB 611** from "yes" to "no". Motion

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carried.

**SEN. GREG LIND, SD 50, MISSOULA** moved to change his vote on **HB 833/amendment #811404** from "no" to "yes". Motion carried.

**SEN. STEVE GALLUS, SD 37, BUTTE** moved to take **HB 155** out of Senate Finance and Claims Committee and bring it to second reading this 82nd Legislative day. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Gallus, Gebhardt, Harrington, Jackson, Jent, Laible, Lewis, McGee, Murphy, Perry, Shockley, Smith, Squires, Tash, J.Tropila, Williams.

Total 22

Nays: Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gillan, Hansen, Hawks, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, O'Neil, Pease, Peterson, Schmidt, Stapleton, Steinbeisser, Story, M.Tropila, Wanzenried, Weinberg, Mr. President.

Total 27

Absent or not voting: Ryan.

Total 1

Excused: None.

Total 0

**SEN. AUBYN CURTISS, SD 1, FORTINE** moved to take **HB 407** out of Finance and Claims Committee and placed on second reading the 83rd Legislative day. Motion failed as follows

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, O'Neil, Perry, Shockley, Stapleton, Steinbeisser, Story, Tash, J.Tropila.

Total 22

Nays: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Murphy, Pease, Ryan, Schmidt, Smith, Squires, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 27

Absent or not voting: Peterson.

Total 1

Excused: None.

Total 0

**SEN. KELLY GEBHARDT, SD 23, ROUNDUP** moved to change his vote on **HB 330** from "no" to "yes". Motion carried.

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** called for the Senate Democrats to caucus and the Senate to be in recess. **SEN. COREY STAPLETON, SD 27, BILLINGS** called for Senate Republicans to caucus.

Senate reconvened at 1:35 p.m.

Roll Call.

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Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 42

Nays: Balyeat, Brown, Gebhardt, Jackson, Lind, McGee, O'Neil, Shockley.

Total 8

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** moved to appoint a Conference Committee on the following bills:

**HB 829**, President appoints Senator Laslovich, Chair, Senators Juneau, Black. House appoints Representatives L. Jones, Barrett, Augare. Motion carried.

**HB 304**, President appoints Senator Kaufmann, Chair, Senators Lind, Perry. House appoints Representatives Furey, Barrett, L. Jones. Motion carried.

**HB 830**, President appoints Senator Cooney, Chair, Senators Schmidt, Brueggeman. House appoints Representatives Kasten, Sinrud, Thomas. Motion carried.

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** moved to appoint a Free Conference Committee on the following bills:

**HB 678**, President appoints Senator Gillan, Chair, Senators Elliott, Story. House appoints Representatives Lange, Glaser, Windy Boy. Motion carried.

**SB 51**, President appoints Senator Hawks, Chair, Senators Moss, Laible. Motion carried.

**FIRST READING AND COMMITMENT OF BILLS**

The following House joint resolutions were introduced, read first time, and referred to committees:

**HJR 47**, introduced by French, referred to Public Health, Welfare and Safety.

**HJR 48**, introduced by MacLaren, referred to Public Health, Welfare and Safety.

**HJR 52**, introduced by Dickenson, referred to Public Health, Welfare and Safety.

**HJR 59**, introduced by Himmelberger, referred to State Administration.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Moss in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading,

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recommend as follows:

**HB 25 - Conference Committee Report No. 1** - Senator Laslovich moved the Conference Committee report to **HB 25** be adopted. Motion carried as follows:

Yeas: Cobb, Cocchiarella, Elliott, Esp, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Laslovich, Lewis, Lind, Moss, Perry, Shockley, Smith, Squires, Steinbeisser, Story, Tash, Wanzenried, Weinberg, Williams, Mr. President.  
Total 29

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Essmann, Gebhardt, Jackson, Larson, McGee, Murphy, O'Neil, Pease, Peterson, Ryan, Schmidt, Stapleton, J.Tropila, M.Tropila.  
Total 21

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 25 - Conference Committee Report No. 1** - Senator Ryan made a **substitute motion** that the Conference Committee report to **HB 25** be **not** adopted. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Jackson, Larson, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Stapleton, J.Tropila, M.Tropila.  
Total 22

Nays: Cobb, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Laslovich, Lewis, Lind, Moss, Squires, Steinbeisser, Story, Tash, Wanzenried, Weinberg, Williams, Mr. President.  
Total 28

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 533 - Conference Committee Report No. 1** - Senator Harrington moved the Conference Committee report to **HB 533** be adopted. Motion **failed** as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Harrington, Jackson, Laible, Larson, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Stapleton, Steinbeisser, Story, Tash.  
Total 25

Nays: Balyeat, Cobb, Gallus, Gillan, Hansen, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Shockley, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 25

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 533 - Conference Committee Report No. 1** - Senator Wanzenried made a **substitute motion** that the Conference Committee report to **HB 533** be **not** adopted. Motion **failed** as follows:

Yeas: Cobb, Gallus, Gillan, Hansen, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 23

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Harrington, Jackson, Laible, Larson, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 27

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 74 - Conference Committee Report No. 1** - Senator Jent moved the Conference Committee report to **SB 74** be adopted. Motion carried unanimously.

Senator Williams moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Moss moved the Committee of the Whole report be adopted. Report adopted unanimously.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 406** concurred in as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, Weinberg, Williams.  
Total 40

Nays: Balyeat, Cobb, Gallus, O'Neil, Ryan, Schmidt, Shockley, M.Tropila, Wanzenried, Mr. President.  
Total 10

Absent or not voting: None.  
Total 0



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Excused: None.  
Total 0

**HB 69** concurred in as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 45

Nays: Balyeat, Essmann, McGee, O'Neil, Shockley.  
Total 5

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HJR 25** concurred in as follows:

Yeas: Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Elliott, Essmann, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Kitzenberg, Laible, Larson, Laslovich, Lewis, McGee, Murphy, O'Neil, Pease, Perry, Shockley, Smith, Stapleton, Story, Tash, J.Tropila.  
Total 32

Nays: Bales, Cocchiarella, Esp, Gallus, Juneau, Kaufmann, Lind, Moss, Peterson, Ryan, Schmidt, Squires, Steinbeisser, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 18

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 40** concurred in as follows:

Yeas: Black, Cobb, Cocchiarella, Esp, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Moss, Murphy, Pease, Perry, Peterson, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 29

Nays: Bales, Balyeat, Barkus, Brown, Brueggeman, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Jackson, Lewis, Lind, McGee, O'Neil, Ryan, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 21

Absent or not voting: None.  
Total 0

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Excused: None.  
Total 0

**HB 39** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: Ryan.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 390** concurred in as follows:

Yeas: Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Williams, Mr. President.  
Total 37

Nays: Bales, Balyeat, Brown, Esp, Jackson, Kaufmann, Lind, McGee, O'Neil, Shockley, Story, Wanzenried, Weinberg.  
Total 13

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 569** concurred in as follows:

Yeas: Bales, Barkus, Brueggeman, Cobb, Cocchiarella, Elliott, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Peterson, Schmidt, Shockley, Squires, Stapleton, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams.  
Total 33

Nays: Balyeat, Black, Brown, Curtiss, Esp, Essmann, Gallus, Gebhardt, Jackson, Laible, McGee, O'Neil, Perry, Ryan, Smith, Steinbeisser, Mr. President.  
Total 17

Absent or not voting: None.

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Total 0

Excused: None.

Total 0

**HB 665** concurred in as follows:

Yeas: Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Ryan, Schmidt, Smith, Squires, Stapleton, Tash, J.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 33

Nays: Bales, Balyeat, Barkus, Black, Curtiss, Esp, Essmann, Gebhardt, Jackson, McGee, O'Neil, Perry, Peterson, Shockley, Steinbeisser, Story, M.Tropila.

Total 17

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 831** concurred in as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Gallus, Gillan, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, McGee, Moss, Pease, Perry, Peterson, Schmidt, Shockley, Squires, Stapleton, Steinbeisser, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 34

Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Essmann, Gebhardt, Hansen, Jackson, Laible, Murphy, O'Neil, Ryan, Smith, Tash.

Total 16

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 798** concurred in as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gallus, Gebhardt, Gillan, Jackson, Kitzenberg, Laible, Larson, Lewis, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash.

Total 28

Nays: Balyeat, Cobb, Cocchiarella, Elliott, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Laslovich, Lind, Moss, Ryan, Schmidt, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 22

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 826 failed** as follows:

Yeas: Bales, Balyeat, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Gillan, Jackson, Laible, Lewis, Murphy, O'Neil, Perry, Peterson, Ryan, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash.  
Total 25

Nays: Barkus, Cocchiarella, Elliott, Gallus, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, McGee, Moss, Pease, Schmidt, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 25

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 833 concurred in** as follows:

Yeas: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 27

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 23

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 257 concurred in** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Schmidt, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 46

Nays: Elliott, Harrington, Ryan, Smith.  
Total 4

Absent or not voting: None.

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Total 0

Excused: None.

Total 0

**HB 330** concurred in as follows:

Yeas: Black, Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Peterson, Schmidt, Smith, Squires, Stapleton, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 33

Nays: Bales, Balyeat, Barkus, Brown, Curtiss, Esp, Essmann, Jackson, Laible, McGee, O'Neil, Perry, Ryan, Shockley, Steinbeisser, Story, Tash.

Total 17

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 529** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 24** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 48

Nays: Kaufmann, Ryan.

Total 2

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Moss in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HJR 28** - Senator Cocchiarella moved **HJR 28** be concurred in. Motion carried as follows:

Yeas: Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Gallus, Gebhardt, Hansen, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Weinberg, Williams, Mr. President.  
Total 36

Nays: Bales, Balyeat, Barkus, Brown, Esp, Essmann, McGee, O'Neil, Stapleton.  
Total 9

Absent or not voting: None.  
Total 0

Excused: Elliott, Gillan, Harrington, Lewis, Wanzenried.  
Total 5

**SJR 29** - Senator Balyeat moved **SJR 29** be adopted. Motion carried unanimously.

**SJR 30** - Senator Cocchiarella moved **SJR 30**, second reading copy, be amended as follows:

1. Page 1, line 20 through line 21.

**Strike:** "WHEREAS," on line 20 through the second "and" on line 21

2. Page 2, line 1.

**Strike:** "who" through "tested"

**Insert:** "which classifications of employee are tested"

3. Page 2, line 3.

**Strike:** subsection (3) in its entirety

**Renumber:** subsequent subsections

4. Page 2, line 11.

**Following:** "testing"

**Strike:** "and"

**Insert:** ", "

**Following:** "tests"

**Insert:** ", determine guidelines for the frequency of false positives, and manage standard remedies for resolving incidents of false positives"

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Amendment adopted unanimously.

**SJR 30** - Senator Smith moved **SJR 30**, as amended, be adopted. Motion carried unanimously.

**SJR 27** - Senator Weinberg moved **SJR 27** be adopted. Motion carried unanimously.

**HB 519** - Senator Williams moved consideration of **HB 519** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**HB 515** - Senator Williams moved consideration of **HB 515** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**SJR 31** - Senator Essmann moved **SJR 31** be adopted. Motion carried with Senator M. Tropila, O'Neil voting nay.

**SB 544 - House Amendments** - Senator Hansen moved House amendments to **SB 544** be concurred in. Motion carried unanimously.

**SB 386 - House Amendments** - Senator Shockley moved House amendments to **SB 386** be concurred in. Motion carried unanimously.

**SB 448 - House Amendments** - Senator Wanzenried moved House amendments to **SB 448** be concurred in. Motion carried unanimously.

**SB 540 - House Amendments** - Senator Jackson moved House amendments to **SB 540** be concurred in. Motion carried with Senator Squires voting nay.

**SB 71 - House Amendments** - Senator Gebhardt moved House amendments to **SB 71** be concurred in. Motion carried unanimously.

**SB 92 - House Amendments** - Senator Steinbeisser moved House amendments to **SB 92** be concurred in. Motion carried unanimously.

**SB 103 - House Amendments** - Senator Gebhardt made a **substitute motion** that House amendments to **SB 103** be **not** concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Gillan, Hawks, Jackson, Juneau, Kitzenberg, Laible, Laslovich, Lewis, McGee, Murphy, O'Neil, Perry, Schmidt, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Williams.  
Total 35

Nays: Gallus, Hansen, Harrington, Jent, Kaufmann, Larson, Lind, Moss, Pease, Squires, Wanzenried, Weinberg, Mr. President.  
Total 13

Absent or not voting: Peterson.  
Total 1

Excused: Ryan.  
Total 1

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**SB 153 - House Amendments** - Senator Cocchiarella moved House amendments to **SB 153** be concurred in. Motion carried unanimously.

**SB 165 - House Amendments** - Senator Brueggeman moved House amendments to **SB 165** be concurred in. Motion carried unanimously.

**SB 270 - House Amendments** - Senator Larson moved House amendments to **SB 270** be concurred in. Motion carried unanimously.

**SB 279 - House Amendments** - Senator Balyeat moved House amendments to **SB 279** be concurred in. Motion carried unanimously.

**SB 293 - House Amendments** - Senator Laible moved House amendments to **SB 293** be concurred in. Motion carried unanimously.

**SB 172 - House Amendments** - Senator J. Tropila moved House amendments to **SB 172** be concurred in. Motion carried unanimously.

**SB 51 - House Amendments** - Senator Hawks made a **substitute motion** that House amendments to **SB 51** be **not** concurred in. Motion carried unanimously.

**SB 200 - House Amendments** - Senator Lewis moved House amendments to **SB 200** be concurred in. Motion carried unanimously.

**SB 27 - House Amendments** - Senator Esp moved House amendments to **SB 27** be concurred in. Motion carried unanimously.

**SB 31 - House Amendments** - Senator Esp moved House amendments to **SB 31** be concurred in. Motion carried with Senator Laslovich voting nay.

**SB 41 - House Amendments** - Senator Elliott moved House amendments to **SB 41** be concurred in. Motion carried unanimously.

**SB 89 - House Amendments** - Senator Williams moved House amendments to **SB 89** be concurred in. Motion carried unanimously.

**SB 100 - House Amendments** - Senator Jent moved House amendments to **SB 100** be concurred in. Motion carried unanimously.

**HB 515** - Senator McGee moved **HB 515** be concurred in. Motion carried with Senator Juneau voting nay.

**HB 519** - Senator Smith moved **HB 519** be concurred in. Motion carried unanimously.

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Moss moved the Committee of the Whole report be adopted. Report adopted unanimously.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.



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Majority Leader Williams moved that the Senate adjourn until 1:00 p.m., Thursday, April 19, 2007. Motion carried.

Senate adjourned at 3:54 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

**SENATE JOURNAL  
60TH LEGISLATURE  
EIGHTY-THIRD LEGISLATIVE DAY**

Helena, Montana  
April 19, 2007

Senate Chambers  
State Capitol

Senate convened at 1:00 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. Senator Brueggeman excused. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 42

Nays: Balyeat, Gebhardt, Jackson, Lind, McGee, O'Neil, Shockley.  
Total 7

Absent or not voting: None.  
Total 0

Excused: Brueggeman.  
Total 1

**REPORTS OF STANDING COMMITTEES**

**EDUCATION AND CULTURAL RESOURCES** (Ryan, Chairman): 4/19/2007  
**SJR 28**, introduced joint resolution, be amended as follows:

1. Page 1.

**Following:** line 26

**Insert:** "BE IT FURTHER RESOLVED, that if the study is assigned to the Education and Local Government Interim Committee, the Legislative Council be requested to expand the membership of the Committee to allow for an adequate number of legislators to focus, as a subcommittee, on the study of education funding and education reform."

And, as amended, be adopted. Report adopted.

**STATE ADMINISTRATION** (Squires, Chairman): 4/19/2007  
**SR 10**, be adopted. Report adopted.

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CONFERENCE COMMITTEE  
on House Amendments to **Senate Bill 12**

Report No. 1, April 19, 2007

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 12** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 12** (reference copy -- salmon) be amended as follows:

1. Page 3, line 6 through line 7.

**Strike:** section 3 in its entirety

**Renumber:** subsequent section

For the Senate:

Williams, Chairman  
Larson  
Laible

For the House:

Cordier, Chairman  
Butcher  
Koopman

CONFERENCE COMMITTEE  
on House Amendments to **Senate Bill 121**  
Report No. 1, April 19, 2007

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 121** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 121** (reference copy -- salmon) be amended as follows:

1. Title, line 7.

**Strike:** "ACTIVE OR PASSIVE"

**Insert:** "INDIVIDUAL INCOME"

2. Title, line 8.

**Following:** "SERVICES;"

**Insert:** "ALLOWING THE DEPARTMENT OF REVENUE TO PROVIDE FOR THE FILING OF ELECTRONIC INDIVIDUAL INCOME TAX FORMS;"

3. Page 3, line 10.

**Following:** "SERVICES"

**Insert:** "-- filing electronic returns"

4. Page 3, line 10 through line 20.

**Strike:** "(1)" on line 10 through "RETURN." on line 20

**Insert:** "The department may not provide electronic individual income tax preparation services. However, the department may provide for the filing of electronic individual income tax forms that include mathematical computations of line items on the electronic forms. The department is encouraged to increase the use of electronic tax filing. This section does not affect the department's responsibilities to provide taxpayer

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services under 15-1-222."

For the Senate:

Elliott, Chairman  
Gillan  
Gebhardt

For the House:

Lake, Chairman  
Hamilton  
Blasdel

CONFERENCE COMMITTEE  
on House Amendments to **Senate Bill 227**  
Report No. 1, April 18, 2007

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 227** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that House amendments to **Senate Bill 227** (reference copy -- salmon) be **REJECTED** by the Senate.

For the Senate:

Laslovich, Chairman  
Jent  
Shockley

For the House:

Koopman, Chairman  
Kerns  
Raser

CONFERENCE COMMITTEE  
on House Amendments to **Senate Bill 404**  
Report No. 1, April 19, 2007

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 404** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 404** (reference copy -- salmon) be amended as follows:

1. Title, line 7.

**Following:** "CONSERVATION"

**Insert:** "AND LOCAL GOVERNMENTAL FIRE AGENCIES"

2. Page 2, line 15.

**Following:** "FOR"

**Insert:** "state"

3. Page 2, line 18.

**Following:** "FIREFIGHTER"

**Insert:** "employed by the department"

4. Page 2, line 20.

**Strike:** "DIRECTOR HAS SOLE DISCRETION TO"

**Insert:** "may"

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5. Page 2, line 25.

**Following:** "--"

**Insert:** "local"

6. Page 2, line 26.

**Following:** "AGENCY. A"

**Insert:** "local governmental fire agency shall pay reasonable attorney fees and costs for outside legal counsel to defend a"

**Following:** "OF A"

**Insert:** "local"

7. Page 2, line 27.

**Following:** "AGENCY"

**Strike:** "MUST" through "FOR"

**Insert:** "against"

8. Page 2, line 30.

**Following:** "EMPLOYEE."

**Insert:** "The local governmental fire agency may determine whether the act or omission of the firewarden, firefighter, or paid or volunteer employee was in good faith and arising from the performance of the employee's duties in a fire or in fire training. The requirement to pay attorney fees and costs does not apply to any postconviction legal proceedings."

9. Page 3, line 5.

**Strike:** "[SECTIONS 2 AND 3] ARE"

**Insert:** "[Section 2] is"

10. Page 3, line 6 through line 7.

**Strike:** "[SECTIONS 2 AND 3]"

**Insert:** "[section 2]"

11. Page 3, line 8.

**Following:** line 7

**Insert:** "(3) [Section 3] is intended to be codified as an integral part of Title 7, chapter 33, and the provisions of Title 7, chapter 33, apply to [section 3]."

For the Senate:

Lind, Chairman  
Jent  
Shockley

For the House:

Rice, Chairman  
Pomnichowski  
Ripley

CONFERENCE COMMITTEE  
on Senate Amendments to **House Bill 687**  
Report No. 1, April 19, 2007

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 687** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

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And, recommend that Senate amendments to **House Bill 687** (reference copy -- salmon) be accepted by the House.

For the House:

W. Jones, Chairman  
Campbell  
McGillvray

For the Senate:

Gillan, Chairman  
Moss  
Laible

**MESSAGES FROM THE OTHER HOUSE**

Bill **not** concurred in and returned to the Senate: 4/17/2007

**SB 129**, introduced by Schmidt

House joint resolution passed and transmitted to the Senate for concurrence: 4/17/2007

**HJR 57**, introduced by Jopek

Senate amendments to House bill concurred in: 4/18/2007

**HB 9**, introduced by Kasten

**HB 116** - The House failed to concur in Senate amendments to HB 116, authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to HB 116: 4/18/2007

Senate bill concurred in and returned to the Senate: 4/18/2007

**SB 131**, introduced by Cobb

Senate bill concurred in and returned to the Senate: 4/18/2007

**SB 184**, introduced by Hawks

Senate bill concurred in and returned to the Senate: 4/18/2007

**SB 413**, introduced by Moss

Senate joint resolution concurred in and returned to the Senate: 4/18/2007

**SJR 19**, introduced by Gillan

**SJR 3**, introduced by Weinberg, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and was transmitted to the Senate with the following vote: 4/18/2007

Yea:0

Nay:9

Committee Report adopted: 4/18/2007

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**HB 24**, introduced by Klock

Free Conference Committee Report No.1 adopted: 4/18/2007

**HB 25**, introduced by Olson

Conference Committee Report No.1 adopted: 4/18/2007

**HB 533**, introduced by Ankney

Conference Committee Report No.1 adopted: 4/18/2007

**SB 74**, introduced by Jent

**HB 715** - The House acceded to the request of the Senate, dissolved the Conference Committee on House amendments to HB 715, and authorized the Speaker to appoint the following Free Conference Committee to confer on HB 715:

4/18/2007

Representative Olson, Chair  
Representative Himmelberger  
Representative Driscoll

**HB 830** - The House acceded to the request of the Senate, dissolved the Conference Committee on House amendments to HB 830, and authorized the Speaker to appoint the following Free Conference Committee to confer on HB 830:

4/18/2007

Representative Kasten, Chair  
Representative Sinrud  
Representative Thomas

**SB 118** - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to SB 118:

4/18/2007

Representative Everett, Chair  
Representative Campbell  
Representative Wells

**SB 147** - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Free Conference Committee to meet with a like committee from the Senate to confer on SB 147:

4/18/2007

Representative Lambert, Chair  
Representative Vincent  
Representative Bixby

Senate bill not concurred in and returned to the Senate: 4/18/2007

**SB 300**, introduced by Cooney

**SB 49** - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Free Conference Committee to meet with a like committee from the Senate to confer on SB 49:

4/18/2007

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Representative Ward, Chair  
Representative O'Hara  
Representative Kottel

**MOTIONS**

**SEN. DAN WEINBERG, SD 2, WHITEFISH** moved to Suspend the Rules to accept **SJR 3**. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 47

Nays: Esp, Jackson, O'Neil.  
Total 3

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SEN. KELLY GEBHARDT, SD 23, ROUNDUP** moved to Suspend the Rules to accept **SB 436**. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SEN. JERRY O'NEIL, SD 3, COLUMBIA FALLS** moved to place **HJR 43** on second reading the 84th Legislative day. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Stapleton, Steinbeisser, Story, Tash, J.Tropila.  
Total 24

Nays: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg,



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Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Shockley, Smith, Squires, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 26

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SEN. JIM SHOCKLEY, SD 45, VICTOR** moved to change his vote on **HB 25** from "no" to "yes". Motion carried.

**SEN. KELLY GEBHARDT, SD 23, ROUNDUP** moved to override the Governor's veto on **HB 469**. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Gillan, Jackson, Juneau, Kitzenberg, Laible, Laslovich, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash.  
Total 30

Nays: Elliott, Gallus, Hansen, Harrington, Hawks, Jent, Kaufmann, Larson, Lind, Moss, Pease, Ryan, Schmidt, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 20

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** moved to appoint a Free Conference Committee on **SB 547**. President appoints Senators Laslovich, Perry, Moss. House appoints Representatives Sinrud, Morgan, Parker. Motion carried.

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** moved to appoint a Free Conference Committee on **HB 715**. President appoints: Senators Wanzenried, Lind, Gebhardt. House appoints Representatives Olson, Himmelberger, Driscoll. Motion carried.

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** moved the appointment of a Free Conference Committee on **SB 276**. President appoints: Senators Steinbeisser, Larson, M. Tropila. Motion carried.

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** moved the appointment of a Conference Committee on **HB 160**. President appoints: Senators Wanzenried, Hawks, Laible. House appoints Representatives Stoker, Ripley, Musgrove. Motion carried.

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** moved the appointment of a Conference Committee on **HB 809**. President appoints Senators Hawks, Wanzenried, Lewis. House appoints Representatives Glaser, Wells, Villa. Motion carried.

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** moved the appointment of a Conference Committee on **SB**

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**103.** President appoints: Senators Lind, Hawks, Gebhardt. Motion carried.

**FIRST READING AND COMMITMENT OF BILLS**

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 57**, introduced by Jopek, referred to Natural Resources and Energy.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 25**, Conference Committee, concurred in as follows:

Yeas: Barkus, Cobb, Cocchiarella, Elliott, Esp, Gallus, Gebhardt, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Laslovich, Lewis, Lind, Moss, Perry, Shockley, Smith, Squires, Steinbeisser, Tash, Wanzenried, Weinberg, Williams, Mr. President.

Total 29

Nays: Bales, Balyeat, Black, Brown, Brueggeman, Curtiss, Essmann, Gillan, Jackson, Larson, McGee, Murphy, O'Neil, Pease, Peterson, Ryan, Schmidt, Stapleton, Story, J.Tropila, M.Tropila.

Total 21

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 74**, Conference Committee, passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HJR 28** concurred in as follows:

Yeas: Balyeat, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Hansen,

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Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 43

Nays: Bales, Barkus, Brown, Esp, Gebhardt, McGee, O'Neil.  
Total 7

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SJR 29** adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SJR 30** adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Mr. President.  
Total 46

Nays: Esp, Gallus, Squires, Williams.  
Total 4

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SJR 27** adopted as follows:

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Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SJR 31** adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: O'Neil.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 544**, House Amendments, concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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**SB 386**, House Amendments, concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 448**, House Amendments, concurred in as follows:

Yeas: Barkus, Black, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 39

Nays: Bales, Balyeat, Brown, Curtiss, Essmann, Gebhardt, McGee, O'Neil, Shockley, Steinbeisser, Story.  
Total 11

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 540**, House Amendments, concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kitzenberg, Laible, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams.  
Total 44

Nays: Esp, Gallus, Kaufmann, Larson, Squires, Mr. President.  
Total 6

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

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**SB 71**, House Amendments, concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 92**, House Amendments, concurred in as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 45

Nays: Balyeat, Esp, Essmann, McGee, O'Neil.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 153**, House Amendments, concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Essmann, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 46

Nays: Curtiss, Gallus, Gebhardt, McGee.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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**SB 165**, House Amendments, concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: O'Neil.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 270**, House Amendments, concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: Smith.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 279**, House Amendments, concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

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Excused: None.  
Total 0

**SB 293**, House Amendments, concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 172**, House Amendments, concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: McGee.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 200**, House Amendments, concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 48

Nays: Esp, McGee.  
Total 2



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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 27**, House Amendments, concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 31**, House Amendments, concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 41**, House Amendments, concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

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Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 89**, House Amendments, concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: McGee.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 100**, House Amendments, concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Hansen, Harrington, Hawks, Jent, Juneau, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 46

Nays: Gallus, Gillan, Jackson, Kaufmann.  
Total 4

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 515** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Elliott, Esp, Essmann, Gebhardt, Hansen, Harrington, Jackson, Jent, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, M.Tropila, Weinberg, Williams.  
Total 39

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Nays: Cocchiarella, Gallus, Gillan, Hawks, Juneau, Kaufmann, Moss, Ryan, J.Tropila, Wanzenried, Mr. President.  
Total 11

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 519** concurred in as follows:

Yeas: Barkus, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 41

Nays: Bales, Balyeat, Black, Brown, Esp, Essmann, Jackson, O'Neil, Story.  
Total 9

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator M. Tropila in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 608 - Conference Committee Report No. 1** - Senator Lewis moved the Conference Committee report to **HB 608** be adopted. Motion carried unanimously.

**HB 668 - Conference Committee Report No. 1** - Senator Cocchiarella moved the Conference Committee report to **HB 668** be adopted. Motion carried unanimously.

**HB 533 - Conference Committee Report No. 1** - Senator Harrington moved the Conference Committee report to **HB 533** be adopted. Motion carried as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Harrington, Jackson, Jent, Juneau, Kitzenberg, Laible, Larson, Lewis, McGee, Murphy, Pease, Perry, Peterson, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila.  
Total 31

Nays: Balyeat, Elliott, Gallus, Gillan, Hansen, Hawks, Kaufmann, Laslovich, Lind, Moss, O'Neil, Ryan,

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Schmidt, Shockley, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 19

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 192 - House Amendments** - Senator Essmann moved House amendments to **SB 192** be concurred in. Motion carried unanimously.

**SB 478 - House Amendments** - Senator Weinberg moved House amendments to **SB 478** be concurred in. Motion carried unanimously.

**SB 48 - House Amendments** - Senator Esp moved House amendments to **SB 48** be concurred in. Motion carried unanimously.

**SB 213 - House Amendments** - Senator Cobb moved House amendments to **SB 213** be concurred in. Motion carried as follows:

Yeas: Bales, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gebhardt, Harrington, Hawks, Jent, Juneau, Kaufmann, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Pease, Peterson, Ryan, Schmidt, Shockley, Squires, Story, J.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 33

Nays: Balyeat, Barkus, Black, Brown, Essmann, Hansen, Jackson, Kitzenberg, Murphy, O'Neil, Perry, Smith, Stapleton, Steinbeisser, Tash, M.Tropila.  
Total 16

Absent or not voting: None.  
Total 0

Excused: Gillan.  
Total 1

**SB 258 - House Amendments** - Senator Shockley moved House amendments to **SB 258** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Jent, Laible, Larson, Lewis, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 26

Nays: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Kitzenberg, Laslovich, Lind, Moss, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 24

Absent or not voting: None.  
Total 0

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Excused: None.  
Total 0

**SB 276 - House Amendments** - Senator Steinbeisser moved House amendments to **SB 276** be **not** concurred in. Motion carried unanimously.

**SB 284 - House Amendments** - Senator Moss moved House amendments to **SB 284** be concurred in. Motion carried as follows:

Yeas: Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 43

Nays: Bales, Barkus, Esp, McGee, O'Neil, Shockley.  
Total 6

Absent or not voting: None.  
Total 0

Excused: Balyeat.  
Total 1

**SB 324 - House Amendments** - Senator Jackson moved House amendments to **SB 324** be concurred in. Motion carried unanimously.

**SB 354 - House Amendments** - Senator Lind moved House amendments to **SB 354** be concurred in. Motion carried unanimously.

**SB 379 - House Amendments** - Senator Laslovich moved House amendments to **SB 379** be concurred in. Motion carried unanimously.

**SB 419 - House Amendments** - Senator Lind moved House amendments to **SB 419** be concurred in. Motion carried unanimously.

**SB 433 - House Amendments** - Senator Laslovich moved House amendments to **SB 433** be concurred in. Motion carried unanimously.

**SB 316 - House Amendments** - Senator Elliott moved House amendments to **SB 316** be **not** concurred in. Motion carried unanimously.

**SB 259 - Governor's Amendments** - Senator Tash moved Governor's amendments to **SB 259** be concurred in. Motion carried unanimously.

**SB 439 - House Amendments** - Senator Elliott moved House amendments to **SB 439** be concurred in. Motion carried with Senator Barkus voting nay.

**SB 253 - House Amendments** - Senator Cooney moved House amendments to **SB 253** be concurred in. Motion carried with Senator Laslovich, O'Neil voting nay.

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**SB 491 - House Amendments** - Senator Moss moved House amendments to **SB 491** be concurred in. Motion carried unanimously.

**SB 492 - House Amendments** - Senator Gebhardt moved House amendments to **SB 492** be concurred in. Motion carried unanimously.

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman M. Tropila moved the Committee of the Whole report be adopted. Report adopted unanimously.

**SPECIAL ORDERS OF THE DAY**

Legislative spouses presented a check to Senator Cooney, President of the Senate to help defray expenses for the new piece of art hanging in the Senate chambers. Senator Cooney presents the check to Richard Sims, Director of the Historical Society.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 10:00 a.m., Friday, April 20, 2007. Motion carried.

Senate adjourned at 3:28 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

**SENATE JOURNAL  
60TH LEGISLATURE  
EIGHTY-FOURTH LEGISLATIVE DAY**

Helena, Montana  
April 20, 2007

Senate Chambers  
State Capitol

Senate convened at 10:00 a.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 42

Nays: Balyeat, Gebhardt, Jackson, Lind, McGee, O'Neil, Shockley.  
Total 7

Absent or not voting: None.  
Total 0

Excused: Moss.  
Total 1

**REPORTS OF STANDING COMMITTEES**

**STATE ADMINISTRATION** (Squires, Chairman): 4/21/2007  
**HJR 59**, be concurred in. Report adopted.

**PUBLIC HEALTH, WELFARE AND SAFETY** (Weinberg, Chairman): 4/19/2007  
**HJR 50**, be concurred in. Report adopted.

**REPORTS OF SELECT COMMITTEES**

**FREE CONFERENCE COMMITTEE  
on Senate Bill 49  
Report No. 1, April 20, 2007**

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 49** (reference copy --salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 49** (reference copy -- salmon) be amended as follows:

1. Page 5, line 11.

**Strike:** "WITHOUT THE SCHOOL'S PERMISSION,"

2. Page 5.

**Following:** line 16

**Insert:** "(3) If the child was subject to formal disciplinary action, including suspension or expulsion, at the child's

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previous school, the school in which the child is to be enrolled may require the child to comply with a behavior contract as a condition of enrollment."

**Renumber:** subsequent subsection

For the Senate:

Jent, Chairman  
Pease  
Esp

For the House:

Ward, Chairman  
Kottel  
O'Hara

**FREE CONFERENCE COMMITTEE**  
on **Senate Bill 147**  
Report No. 1, April 19, 2007

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 147** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 147** (reference copy -- salmon) be amended as follows:

1. Title, line 5 through line 10.

**Strike:** "ALLOWING" on line 5 through "CIRCUMSTANCES;" on line 10

2. Title, line 12 through line 14.

**Strike:** "CLARIFYING" on line 12 through "FISHING;" on line 14

3. Title, line 14 through line 15.

**Strike:** "SECTIONS 10-3-104," on line 14

**Insert:** "SECTION"

**Strike:** "AND" on line 14 through "87-3-106," on line 15

4. Page 1, line 19 through page 2, line 5.

**Strike:** sections 1 and 2 in their entirety

**Renumber:** subsequent sections

5. Page 2, following line 14.

**Insert:** "(4) (a) An entity that is conducting official business, an entity having actual residence as a permanent or principal place of abode in the designated area, or an entity engaged in employment that does not present a fire hazard must be allowed ingress and egress unless there is a significant risk to human health or safety.

(b) For the purposes of this section, "official business" includes but is not limited to the functions of governmental agencies and the activities of utilities, cooperatives, and telecommunications providers to operate, construct, repair, and maintain utility facilities that are essential to the public."

6. Page 2, line 16 through page 3, line 4.

**Strike:** section 4 in its entirety

**Renumber:** subsequent sections

7. Page 3, line 13.

**Following:** "disaster area"



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**Strike:** ", "  
**Insert:** "and"

8. Page 3, line 14.

**Following:** "within the area"

**Strike:** ", and the occupancy " through "area"

9. Page 3, line 15.

**Following:** "(2)"

**Strike:** "The"

**Insert:** "Subject to [section 1(4)(a)], the"

10. Page 3, line 18 through page 3, line 30.

**Strike:** section 6 in its entirety

**Renumber:** subsequent sections

11. Page 4, line 2 through line 4.

**Strike:** subsection (1) in its entirety

12. Page 4, line 5.

**Strike:** "(2)"

**Following:** "Section"

**Strike:** "3"

**Insert:** "1"

13. Page 4, line 6.

**Following:** "section"

**Strike:** "3"

**Insert:** "1"

For the Senate:

Juneau, Chairman  
Hawks  
Shockley

For the House:

Lambert, Chairman  
Vincent  
Bixby

**FREE CONFERENCE COMMITTEE**  
on **Senate Bill 365**  
Report No. 1, April 20, 2007

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 365** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 365** (reference copy -- salmon) be amended as follows:

1. Page 1, line 15.

**Strike:** "DAILY"

2. Page 1, line 16.

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**Following:** "record"

**Insert:** ", unless a different recording schedule is ordered by the district judge,"

For the Senate:

Story, Chairman  
M. Tropila  
Hansen

For the House:

Barrett, Chairman  
Everett  
Jayne

**MESSAGES FROM THE OTHER HOUSE**

**Senate amendments to House bill** concurred in: 4/19/2007

**HB 4**, introduced by Musgrove

**Senate amendments to House bill** concurred in: 4/19/2007

**HB 6**, introduced by Kasten

**Senate amendments to House bill** concurred in: 4/19/2007

**HB 7**, introduced by Kasten

**Senate amendments to House bill** concurred in: 4/19/2007

**HB 8**, introduced by Kasten

**Senate amendments to House bill** concurred in: 4/19/2007

**HB 49**, introduced by Hamilton

**Senate amendments to House bill** concurred in: 4/19/2007

**HB 141**, introduced by Jacobson

**Senate amendments to House bill** concurred in: 4/19/2007

**HB 195**, introduced by Lange

**Senate amendments to House bill** concurred in: 4/19/2007

**HB 240**, introduced by Nooney

**Senate amendments to House bill** concurred in: 4/19/2007

**HB 278**, introduced by Stoker

**Senate amendments to House bill** concurred in: 4/19/2007

**HB 480**, introduced by Lake

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**Senate amendments to House bill** concurred in: 4/19/2007  
**HB 488**, introduced by Jopek

**Senate amendments to House bill** concurred in: 4/19/2007  
**HB 512**, introduced by L. Jones

**Senate amendments to House bill** concurred in: 4/19/2007  
**HB 536**, introduced by Becker

**Senate amendments to House bill** concurred in: 4/19/2007  
**HB 616**, introduced by McChesney

**Senate amendments to House bill** concurred in: 4/19/2007  
**HB 823**, introduced by Small-Eastman

**Senate amendments to House bill** concurred in: 4/19/2007  
**HB 840**, introduced by Hilbert

**HB 337** - The House failed to concur in Senate amendments to **HB 337**, authorized the Speaker to appoint a Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 337**. Conference Committee Report No. 1 adopted: 4/19/2007

**HB 24**, introduced by Klock

Conference Committee Report No.1 adopted: 4/19/2007

**HB 25**, introduced by Olson

Conference Committee Report No.1 adopted: 4/19/2007

**HB 533**, introduced by Ankney

Conference Committee Report No.1 adopted: 4/19/2007

**SB 74**, introduced by Jent

**House joint resolution** passed and transmitted to the Senate for concurrence: 4/19/2007

**HJR 61**, introduced by Cohenour

**SB 436**, introduced by Gebhardt, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and was transmitted to the Senate with the following vote:  
4/19/2007

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Yeas - 63  
Nays - 37

**SB 550**, introduced by Laible, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and was transmitted to the Senate with the following vote:

4/19/2007

Yeas - 81  
Nays - 19

**MOTIONS**

**SEN. STEVE GALLUS, SD 37, BUTTE** moved to take **HB 155** from Senate Finance and Claims Committee table and placed on second reading this 84th Legislative day. Motion carried as follows:

Yeas: Bales, Balyeat, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Shockley, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 44

Nays: Barkus, Cobb, Esp, Hawks, Schmidt, Stapleton.  
Total 6

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SEN. LARRY JENT, SD 32, BOZEMAN** moved to take **HB 491** from Judiciary Committee table and placed on second reading this 84th Legislative day. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Gillan, Jackson, Jent, Laible, Lewis, McGee, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash, J.Tropila.  
Total 25

Nays: Cocchiarella, Elliott, Gallus, Hansen, Harrington, Hawks, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Murphy, O'Neil, Pease, Ryan, Schmidt, Smith, Squires, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 25

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SEN. KELLY GEBHARDT, SD 23, ROUNDUP** moved to take **HB 637** from Taxation Committee table and placed on second reading this 84th Legislative day. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Gebhardt, Jackson, Jent, Kitzenberg, Laible,

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Lewis, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, J.Tropila.

Total 26

Nays: Cobb, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Larson, Laslovich, Lind, Moss, Ryan, Schmidt, Squires, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SEN. LANE LARSON, SD 22, BILLINGS** moved to Suspend the Rules in order to allow **SB 25** to be transferred to Senate and heard in second reading this 84th Legislative day. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: Curtiss.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SEN. KELLY GEBHARDT, SD 23, ROUNDUP** moved to take **HB 610** from Judiciary Committee table and placed on second reading this 84th Legislative day. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Jackson, Kitzenberg, Laible, Larson, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Ryan, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 26

Nays: Brueggeman, Cobb, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Laslovich, Lind, Moss, Pease, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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**SEN. JOHN BRUEGGEMAN, SD 6, POLSON** moved to take **HB 822** from Senate Taxation Committee table and placed on second reading the 85th Legislative day. Motion **failed** as follows:

Yeas: Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Gallus, Gebhardt, Hansen, Kaufmann, Kitzenberg, Laible, Laslovich, Lewis, Murphy, Peterson, Smith, Stapleton, Steinbeisser, J.Tropila.  
Total 19

Nays: Bales, Balyeat, Barkus, Brown, Elliott, Esp, Essmann, Gillan, Harrington, Hawks, Jackson, Jent, Juneau, Larson, Lind, McGee, Moss, O'Neil, Pease, Perry, Ryan, Schmidt, Shockley, Squires, Story, Tash, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 31

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SEN. RICK LAIBLE, SD 44, DARBY** move to Suspend the Rules on **SB 550** moving it to second reading on the 85th Legislative day. Motion carried as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 46

Nays: Balyeat, O'Neil, Smith, M.Tropila.  
Total 4

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SEN. JERRY O'NEIL, SD 3, COLUMBIA FALLS** moved to change his vote on **SB 433** from "no" to "yes" today on third reading. Motion carried.

**SEN. JOE BALYEAT, SD 34, BOZEMAN** moved to change his vote on **SB 354** from "yes" to "no" today on third reading. Motion carried.

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** moved to dissolve the Conference Committees and appoint Free Conference Committees for the following:

**HB 829**, President appoints Senator Laslovich, Chair, Senators Juneau, Black. Motion carried.

**SB 118**, President appoints Senator Cobb, Chair, Senators Wanzenried, Laslovich. Motion carried.

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** moved to appoint Conference Committees for the following:

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**SB 316**, President appoints Senator Elliott, Chair, Senators Harrington, Peterson. Motion carried.

**SB 393**, President appoints Senator Gillan, Chair, Senators Laslovich, Shockley. Motion carried.

**FIRST READING AND COMMITMENT OF BILLS**

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 61**, introduced by Cohenour, referred to Taxation.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Schmidt in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SJR 28** - Senator Hawks moved **SJR 28** be adopted. Motion adopted unanimously.

**HB 687 - Conference Committee Report No. 1** - Senator Moss moved the Conference Committee report to **HB 687** be adopted. Motion carried unanimously.

**SB 12 - Conference Committee Report No. 1** - Senator Williams moved the Conference Committee report to **SB 12** be adopted. Motion carried with Senator McGee voting nay.

**SB 121 - Conference Committee Report No. 1** - Senator Elliott moved the Conference Committee report to **SB 121** be adopted. Motion carried with Senator McGee voting nay.

**SB 227 - Conference Committee Report No. 1** - Senator Laslovich moved the Conference Committee report to **SB 227** be adopted. Motion carried unanimously.

**SB 404 - Conference Committee Report No. 1** - Senator Lind moved the Conference Committee report to **SB 404** be adopted. Motion carried unanimously.

**SB 393 - House Amendments** - Senator Gillan moved House amendments to **SB 393** be **not** concurred in. Motion carried as follows:

Yeas: Bales, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Story, Tash, J. Tropila, M. Tropila, Wanzonried, Weinberg, Williams, Mr. President.

Total 43

Nays: Balyeat, Barkus, Jackson, Murphy, Stapleton, Steinbeisser.

Total 6

Absent or not voting: None.

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Total 0

Excused: Cobb.

Total 1

**SB 363 - House Amendments** - Senator Kaufmann moved House amendments to **SB 363** be concurred in. Motion carried unanimously.

**SB 384 - House Amendments** - Senator Wanzenried moved House amendments to **SB 384** be concurred in. Motion carried unanimously.

**SB 424 - House Amendments** - Senator Moss moved House amendments to **SB 424** be concurred in. Motion carried unanimously.

**SB 449 - House Amendments** - Senator Gillan moved House amendments to **SB 449** be concurred in. Motion carried unanimously.

**SB 489 - House Amendments** - Senator Cocchiarella moved House amendments to **SB 489** be concurred in. Motion carried with Senator Lind voting nay.

**SB 505 - House Amendments** - Senator Squires moved House amendments to **SB 505** be concurred in. Motion carried unanimously.

**SB 342 - House Amendments** - Senator Squires moved House amendments to **SB 342** be concurred in. Motion carried unanimously.

Senator Williams moved the committee rise, report progress, and beg to sit again. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Schmidt moved the Committee of the Whole report be adopted. Report adopted unanimously.

Senate recessed until 12:00 p.m.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Schmidt in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SJR 12 - House Amendments** - Senator Brueggeman moved House amendments to **SJR 12** be concurred in. Motion carried unanimously.

**SJR 25 - House Amendments** - Senator J. Peterson moved House amendments to **SJR 25** be concurred in. Motion carried unanimously.

**SJR 15 - House Amendments** - Senator Gillan moved House amendments to **SJR 15** be concurred in. Motion carried unanimously.

**SJR 3 - House Amendments** - Senator Weinberg moved House amendments to **SJR 3** be concurred in. Motion



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carried unanimously.

**SB 168 - Governor's Amendments** - Senator Jent moved Governor's amendments to **SB 168** be concurred in. Motion carried unanimously.

**SB 537 - Governor's Amendments** - Senator Brown moved Governor's amendments to **SB 537** be **not** concurred in. Motion carried unanimously.

**HB 155** - Senator Gallus moved **HB 155** be concurred in. Motion carried unanimously.

**HB 637** - Senator Gebhardt moved **HB 637**, second reading copy, be amended as follows:

1. Page 2, line 22.

**Strike:** "2008"

**Insert:** "2009"

Amendment **not** adopted as follows:

Yeas: Balyeat, Barkus, Curtiss, Gebhardt, Harrington, Jackson, O'Neil, Pease, Shockley, Smith, Tash, J.Tropila, M.Tropila.

Total 13

Nays: Bales, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Hawks, Jent, Juneau, Kaufmann, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Perry, Peterson, Ryan, Schmidt, Squires, Stapleton, Steinbeisser, Story, Wanzenried, Weinberg, Williams, Mr. President.

Total 36

Absent or not voting: None.

Total 0

Excused: Kitzenberg.

Total 1

**HB 637** - Senator J. Tropila moved **HB 637** be concurred in. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Brown, Brueggeman, Curtiss, Esp, Gebhardt, Jackson, Laible, Laslovich, Lewis, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Shockley, Smith, Stapleton, Steinbeisser, Tash, J.Tropila.

Total 24

Nays: Black, Cobb, Cocchiarella, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Larson, Lind, Moss, Ryan, Schmidt, Squires, Story, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 25

Absent or not voting: None.

Total 0

Excused: Kitzenberg.

Total 1

**HB 637** - Senator Williams moved **HB 637** be **indefinitely postponed**. Motion carried as follows:

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Yeas: Bales, Black, Brown, Cobb, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Larson, Lind, McGee, Moss, Ryan, Schmidt, Squires, Story, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 29

Nays: Balyeat, Barkus, Brueggeman, Curtiss, Gebhardt, Jackson, Laible, Laslovich, Lewis, Murphy, O'Neil, Pease, Perry, Peterson, Shockley, Smith, Stapleton, Steinbeisser, Tash, J.Tropila.

Total 20

Absent or not voting: None.

Total 0

Excused: Kitzenberg.

Total 1

**HB 610** - Senator Gebhardt moved **HB 610** be concurred in. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Larson, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 24

Nays: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 26

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 610** - Senator Williams moved **HB 610** be **indefinitely postponed**. Motion carried as follows:

Yeas: Cobb, Cocchiarella, Elliott, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 26

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gallus, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed.

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President Cooney in the chair. Chairman Schmidt moved the Committee of the Whole report be adopted. Report adopted unanimously.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 608**, conference committee report, concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: McGee.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 668** , conference committee report, concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Weinberg, Williams, Mr. President.  
Total 46

Nays: Lind, McGee, Shockley, Wanzenried.  
Total 4

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 533**, conference committee report, concurred in as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Esp, Essmann, Gallus, Gebhardt, Harrington, Jackson, Jent, Juneau, Kitzenberg, Laible, Larson, Lewis, McGee, Murphy, Pease, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash, Weinberg.  
Total 30

Nays: Balyeat, Cobb, Elliott, Gillan, Hansen, Hawks, Kaufmann, Laslovich, Lind, Moss, O'Neil, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Williams, Mr. President.

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Total 20

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 192** house amendments concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 478** house amendments concurred in as follows:

Yeas: Bales, Balyeat, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: Barkus.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 48** house amendments concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.

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Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 213** house amendments concurred in as follows:

Yeas: Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Gallus, Gillan, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 34

Nays: Bales, Balyeat, Barkus, Brown, Esp, Essmann, Gebhardt, Hansen, Kitzenberg, McGee, Murphy, O'Neil, Perry, Stapleton, Steinbeisser, Tash.

Total 16

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 258** house amendments **not** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Harrington, Jackson, Kitzenberg, Laible, Larson, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story.

Total 25

Nays: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Hawks, Jent, Juneau, Kaufmann, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 25

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 284** house amendments concurred in as follows:

Yeas: Bales, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 40

Nays: Balyeat, Barkus, Esp, Essmann, McGee, Murphy, O'Neil, Shockley, Stapleton, Story.

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Total 10

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 324** house amendments concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: Smith.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 354** house amendments concurred in as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 48

Nays: Balyeat, O'Neil.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 379** house amendments concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

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Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 419** house amendments concurred in as follows:

Yeas: Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 35

Nays: Bales, Balyeat, Barkus, Black, Curtiss, Esp, Essmann, Gebhardt, McGee, Murphy, O'Neil, Perry, Steinbeisser, Story, Tash.

Total 15

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 433** house amendments concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 259** Governor's amendments concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 48

Nays: Esp, McGee.

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Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 439** house amendments concurred in as follows:

Yeas: Bales, Balyeat, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, O'Neil, Pease, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 43

Nays: Barkus, Jackson, McGee, Murphy, Perry, Shockley, Steinbeisser.

Total 7

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 491** house amendments concurred in as follows:

Yeas: Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 41

Nays: Bales, Balyeat, Barkus, Black, Esp, Essmann, McGee, O'Neil, Stapleton.

Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 253** house amendments concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 44

Nays: Cobb, Esp, Essmann, McGee, O'Neil, Smith.



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Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 492** house amendments concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SPECIAL ORDERS OF THE DAY**

**REP. BRUCE MALCOLM, HD 61, EMIGRANT** presented to the Senate an unusual tidbit on the history of Montana's State Capitol.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 8:00 a.m., Saturday, April 21, 2007. Motion carried.

Senate adjourned at 1:45 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

**SENATE JOURNAL  
60TH LEGISLATURE  
EIGHTY-FIFTH LEGISLATIVE DAY**

Helena, Montana  
April 21, 2007

Senate Chambers  
State Capitol

Senate convened at 8:00 a.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 41

Nays: Balyeat, Brown, Gebhardt, Gillan, Jackson, Lind, McGee, O'Neil, Shockley.  
Total 9

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** called for Senate Democrats to caucus. **SEN. COREY STAPLETON, SD 27, BILLINGS** called for Senate Republicans to caucus. The Senate reconvened at 8:35 a.m.

Roll Call. Senator Cobb excused. Quorum present.

Yeas: Bales, Barkus, Black, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 41

Nays: Balyeat, Brown, Gebhardt, Jackson, Lind, McGee, O'Neil, Shockley.  
Total 8

Absent or not voting: None.  
Total 0

Excused: Cobb.  
Total 1

**MESSAGES FROM THE OTHER HOUSE**

**Senate bill** concurred in and returned to the Senate:

4/20/2007

**SB 8**, introduced by Shockley

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**Senate bill** concurred in and returned to the Senate: 4/20/2007

**SB 65**, introduced by Cobb

**Senate bill** concurred in and returned to the Senate: 4/20/2007

**SB 104**, introduced by Squires

**Senate bill** concurred in and returned to the Senate: 4/20/2007

**SB 173**, introduced by Juneau

**Senate bill** concurred in and returned to the Senate: 4/20/2007

**SB 407**, introduced by Bales

**Senate bill** concurred in and returned to the Senate: 4/20/2007

**SB 535**, introduced by Cocchiarella

**SB 25**, introduced by Larson, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and was transmitted to the Senate with the following vote:

4/20/2007

Yeas - 96

Nays - 3

**SB 127**, introduced by Wanzenried, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and was transmitted to the Senate with the following vote:

4/20/2007

Yeas - 83

Nays - 17

**HB 529** - The House failed to concur in Senate amendments to **HB 529**, authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 529**:

4/20/2007

Representative Lake, Chair

Representative Taylor, Pomnichowski

**HB 592** - The House failed to concur in Senate amendments to **HB 592**, authorized the Speaker to appoint the following Conference Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 592**:

4/20/2007

Representative Wilson , Chair

Representative McGillvray, Klock

**House bill** Senate amendments concurred in on Third reading:

4/20/2007

**HB 96**, introduced by Kerns

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**House bill** Senate amendments concurred in on Third reading:

4/20/2007

**HB 131**, introduced by Sesso

**Free** Conference Committee Report No.1 adopted:

4/20/2007

**HB 668**, introduced by Stahl

**Free** Conference Committee Report No.1 adopted:

4/20/2007

**HB 608**, introduced by Olson

**MOTIONS**

**SEN. JIM SHOCKLEY, SD 45, VICTOR** moved to reconsider action on **SB 258** and placed on third reading the 86th Legislative day. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Larson, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 24

Nays: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 26

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SEN. JOSEPH TROPILA, SD 13, GREAT FALLS** moved the Senate adjourn Sine Die this 85th Legislative day. Motion **failed** as follows:

Yeas: Gebhardt, Jent, Pease, Smith, J.Tropila.  
Total 5

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Perry, Peterson, Ryan, Schmidt, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 45

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SEN. JESSE LASLOVICH, SD 43, ANACONDA** moved to reconsider action on **SB 227** taken on third reading

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the 85th Legislative day. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: J.Tropila.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SEN. JESSE LASLOVICH, SD 43, ANACONDA** moved to place the revised Conference Committee report for **SB 227** to be placed on second reading the 86th Legislative day. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: J.Tropila.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SEN. JESSE LASLOVICH, SD 43, ANACONDA** moved to Suspend the Rules according to Senate Rules **Reconsideration** - Section 50-90 (5) - allowing a motion to reconsider and allowing **SB 227** to be heard on third reading the 86th Legislative day. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: J.Tropila.

Total 1

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SEN. JOE BALYEAT, SD 34, BOZEMAN** moved to take **HB 315** from Finance and Claims Committee table and placed on 2nd reading the 86th Legislative day. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 23

Nays: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 27

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SEN. DAVID WANZENRIED, SD 49, MISSOULA** moved to Suspend the Rules on **SB 127** to accept after transmittal deadline from the House for the purpose of consideration on second reading. Motion carried as follows:

Yeas: Bales, Balyeat, Brueggeman, Cobb, Cocchiarella, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 38

Nays: Barkus, Black, Brown, Curtiss, Esp, Jackson, McGee, O'Neil, Peterson, Stapleton, Story, Tash.  
Total 12

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SEN. JOHN BRUEGGEMAN, SD 6, POLSON** moved to take **HB 822** off the table in Taxation Committee and placed on second reading the 86th Legislative day. Motion carried as follows:

Black, Brueggeman, Cobb, Cocchiarella, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 34

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Nays: Bales, Balyeat, Barkus, Brown, Curtiss, Elliott, Esp, Essmann, Jackson, McGee, O'Neil, Perry, Shockley, Stapleton, Story, Tash.  
Total 16

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SEN. JERRY O'NEIL, SD 3, COLUMBIA FALLS** moved to change his vote on third reading this day on **SB 227** from "no" to "yes". Motion carried.

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** moved to appoint the following Conference Committees:

**HB 337**, President appoints Senator Harrington, Chair, Senators Kitzenberg, Gebhardt. House appoints Representatives Wells, Kerns, Cohenour. Motion carried.

**HB 529**, President appoints Senator Elliott, Chair, Senators Kaufmann, Gebhardt. House appoints Representatives Lake, Taylor, Pomnichowski. Motion carried.

**HB 592**, President appoints Senator Schmidt, Chair, Senators M. Tropila, Steinbeisser. House appoints Representatives Wilson, McGillvray, Klock. Motion carried.

**HB 116**, President appoints Senator Wanzenried, Chair, M. Tropila, Liable. House appoints Representatives Ripley, Witte, Jore. Motion carried.

**SB 550**, President appoints Senator Juneau, Chair, M. Tropila, Liable. Motion carried.

**SB 25**, President appoints Senator Larson, Chair, Kaufmann, Lewis. Motion carried.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Perry in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 309 - House Amendments** - Senator Balyeat moved House amendments to **SB 309** be concurred in. Motion carried unanimously.

**SB 130 - House Amendments** - Senator Story moved House amendments to **SB 130** be concurred in. Motion carried unanimously.

**SB 222 - House Amendments** - Senator Esp moved House amendments to **SB 222** be concurred in. Motion carried unanimously.

**SB 233 - House Amendments** - Senator Elliott moved House amendments to **SB 233** be concurred in. Motion

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carried unanimously.

**SB 486 - House Amendments** - Senator Shockley moved House amendments to **SB 486** be concurred in. Motion carried unanimously.

**SB 518 - House Amendments** - Senator Perry moved House amendments to **SB 518** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Hansen, Hawks, Jackson, Jent, Laible, Laslovich, Lewis, Lind, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Shockley, Steinbeisser, Story, Tash, Weinberg.

Total 32

Nays: Gallus, Gillan, Harrington, Juneau, Kaufmann, Kitzenberg, Larson, Moss, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Williams, Mr. President.

Total 17

Absent or not voting: None.

Total 0

Excused: Stapleton.

Total 1

**SB 525** - Senator Elliott moved consideration of **SB 525** be placed below 550 on the second reading board. Motion carried.

**SB 538 - House Amendments** - Senator Elliott moved House amendments to **SB 538** be concurred in. Motion carried unanimously.

**HB 357 - Governor's Amendments** - Senator Lewis moved Governor's amendments to **HB 357** be concurred in. Motion carried unanimously.

**SB 549 - House Amendments** - Senator Story moved House amendments to **SB 549** be concurred in. Motion carried unanimously.

**SB 436 - House Amendments** - Senator Gebhardt moved House amendments to **SB 436** be concurred in. Motion carried as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Jent, Kaufmann, Laible, Laslovich, Lewis, Moss, Murphy, O'Neil, Perry, Ryan, Shockley, Smith, Squires, Story, Tash, J.Tropila, Williams.

Total 30

Nays: Balyeat, Brown, Cobb, Curtiss, Hawks, Jackson, Juneau, Kitzenberg, Larson, Lind, McGee, Pease, Peterson, Schmidt, Stapleton, Steinbeisser, M.Tropila, Wanzenried, Weinberg, Mr. President.

Total 20

Absent or not voting: None.

Total 0

Excused: None.



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Total 0

**SB 550 - House Amendments** - Senator Laible moved House amendments to **SB 550** be **not** concurred in. Motion carried unanimously.

**SB 525 - House Amendments** - Senator Elliott moved House amendments to **SB 525** be concurred in. Motion carried unanimously.

**HJR 50** - Senator Moss moved **HJR 50** be concurred in. Motion carried with Senators McGee, Steinbeisser, Esp, Balyeat voting nay.

**SB 147 - Conference Committee Report No. 1** - Senator Shockley moved the Conference Committee report to **SB 147** be adopted. Motion carried unanimously.

**SB 365 - Conference Committee Report No. 1** - Senator Story moved the Conference Committee report to **SB 365** be adopted. Motion carried unanimously.

**SB 25 - House Amendments** - Senator Larson moved House amendments to **SB 25** be **not** concurred in. Motion carried unanimously.

**SB 49 - Conference Committee Report No. 1** - Senator Esp moved the Conference Committee report to **SB 49** be adopted. Motion carried unanimously.

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Perry moved the Committee of the Whole report be adopted. Report adopted unanimously.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SJR 28** adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 48

Nays: Esp, Lind.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 687**, conference committee report, concurred in as follows:

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Yeas: Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 43

Nays: Bales, Esp, McGee, Murphy, O'Neil, Shockley, Steinbeisser.  
Total 7

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 12** , conference committee report, passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 121** , conference committee report, passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

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**SB 227** , conference committee report, concurred in as follows:

Yeas: Balyeat, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Kaufmann, Kitzenberg, Laible, Laslovich, Lind, Moss, O'Neil, Pease, Perry, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 39

Nays: Bales, Barkus, Black, Cobb, Essmann, Juneau, Larson, Lewis, McGee, Murphy, Peterson.  
Total 11

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 404** , conference committee report, passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 363** house amendments concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: Smith.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.

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Total 0

**SB 384** house amendments concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: Esp.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 424** house amendments concurred in as follows:

Yeas: Barkus, Black, Brueggeman, Cobb, Cocchiarella, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 40

Nays: Bales, Balyeat, Brown, Curtiss, Esp, Gebhardt, McGee, O'Neil, Shockley, M.Tropila.

Total 10

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 449** house amendments concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

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Excused: None.  
Total 0

**SB 489** house amendments concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 48

Nays: Esp, Juneau.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 505** house amendments concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: Curtiss.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 342** house amendments concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Mr. President.  
Total 49

Nays: Williams.  
Total 1

Absent or not voting: None.

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Total 0

Excused: None.

Total 0

**SJR 12** house amendments concurred in as follows:

Yeas: Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 42

Nays: Bales, Balyeat, Barkus, Black, Esp, Jackson, McGee, Story.

Total 8

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SJR 25** house amendments concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SJR 15** house amendments concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 48

Nays: Esp, McGee.

Total 2

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SJR 3** house amendments concurred in as follows:

Yeas: Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 42

Nays: Bales, Balyeat, Esp, McGee, O'Neil, Steinbeisser, Story, Tash.  
Total 8

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 168** Governor's amendments concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 155** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.

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Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 12:00 p.m., Monday, April 23, 2007. Motion carried.

Senate adjourned at 10:02 a.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate



**SENATE JOURNAL  
60TH LEGISLATURE  
EIGHTY-SIXTH LEGISLATIVE DAY**

Helena, Montana  
April 23, 2007

Senate Chambers  
State Capitol

Senate convened at 12:00 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. Senator Weinberg excused. Quorum present.

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J. Tropila, M. Tropila, Wanzenried, Williams, Mr. President.

Total 41

Nays: Balyeat, Brown, Gebhardt, Jackson, Lind, McGee, O'Neil, Shockley.

Total 8

Absent or not voting: None.

Total 0

Excused: Weinberg.

Total 1

**REPORTS OF STANDING COMMITTEES**

**STATE ADMINISTRATION** (Squires, Chairman):

4/23/2007

**SR 10**, be adopted. Report adopted.

**TAXATION** (Elliott, Chairman):

4/23/2007

**HJR 61**, be concurred in. Report adopted.

**MESSAGES FROM THE GOVERNOR**

April 20, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, MT 59620

The Honorable Scott Sales  
Speaker of the House  
State Capitol  
Helena, MT 59620

Dear President Cooney and Speaker Sales:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill (SB) 465, "AN ACT EXEMPTING THE STATE COMPENSATION INSURANCE FUND

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AND ITS BOARD OF DIRECTORS FROM THE MONTANA ELECTRONIC GOVERNMENT SERVICES ACT AND CERTAIN PROVISIONS OF THE MONTANA INFORMATION TECHNOLOGY ACT; AMENDING SECTIONS 2-17-506, 2-17-513, 2-17-516, AND 2-17-532, MCA; AND PROVIDING AN EFFECTIVE DATE.”

In 2001, the Montana Legislature passed the Montana Information Technology Act, because it recognized the importance of information technology (IT) in the 21<sup>st</sup> century. The 2001 Legislature recognized that information technology - hardware, software, and associated services and infrastructure – has become a key component of any large organization’s infrastructure, and the State of Montana is no exception. Montana citizens - taxpayers, licensees, business people, benefit recipients - depend on the state’s IT to be operational and efficient. The 2001 Legislature recognized the importance by declaring the state’s policy “that information technology be used to improve the quality of life of Montana citizens by providing educational opportunities, creating quality jobs and a favorable business climate, improving government, and protecting individual privacy and the privacy of the information contained within information technology systems.” Mont. Code Ann. § 2-17-505(1).

The central purpose of the Montana Information Technology Act (“MITA”) is to establish centralized management and control of information technology for the State of Montana and its agencies. The state policy, MITA continues, is that the “development of information technology resources in the state must be conducted in an organized, deliberative, and cost-effective manner.” Mont. Code Ann. § 2-17-505(2).

The Montana Information Technology Act sets high standards for the delivery of the state’s information technology. MITA declares that the Department of Administration, in providing IT services, “must be accountable to the governor, the legislature, and the citizens of Montana.” Mont. Code Ann. § 2-17-505(3). The Chief Information Officer is an appointed position and is accountable for the delivery of an efficient IT system that Montanans need and demand. As Governor, I not only expect that the state’s computers will operate effectively and efficiently so that the state can deliver its services to the people of Montana, I accept that as head of the executive branch of government, my Administration will be held accountable if it does not.

The Montana Information Technology Act was crafted by a legislative interim committee, which devoted two years to studying how to improve the delivery of information technology in state government. Prior to passage of MITA in 2001, Montana’s information technology system was fragmented and prone to failures. Many of you recall the POINTS debacle, in which the State of Montana wasted a minimum of \$35 million contracting for a computer system for the Department of Revenue that was never delivered. Some estimate the loss to the State closer to \$60 million. This unfortunate experience was a major reason for the planning and procurement controls and oversight established in MITA.

The 2001 Legislature determined that oversight of state government’s information technology should be consolidated under one roof. SB 131, sponsored by Sen. Mike Taylor by request of the Legislative Finance Committee, passed the 2001 Legislature with only one dissenting vote. The interim committee recommended that all executive branch agencies except those then excluded from governance by the Department of Administration come within the provisions of MITA.

As recently as November of 2005, the Legislative Auditor completed an audit of the enterprise IT management responsibilities of the Department of Administration. The auditors considered the legislative intent of MITA and discussed the many benefits of having one agency manage and lead the direction of IT. The audit report recommended the Department be more proactive in exerting centralized management and control, as required under the statutes. The Department, the Chief Information Officer, and the Governor’s Office of Budget and Program Planning have worked diligently to implement the audit recommendations.

This legislative session, the State Fund came to you asking to be segregated from the planning and procurement controls of MITA. The State Fund is an agency in the executive branch of government subject to laws applicable to all other state agencies. The State Fund has presented its case that it is different than other state agencies, because

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it competes for business with the private sector and must operate like an insurance company.

The fatal flaw with the State Fund's argument is that every agency of government can make its case for being unique. The Department of Public Health and Human Services could argue that the confidentiality requirements of HIPAA (the Health Insurance Portability and Accountability Act) demand its own individualized information technology system. The Department of Revenue could argue that the need for an efficient tax system and the requirements for confidentiality of state taxpayer information under both state and federal law demand it be exempted from centralized management and control. The Department of Justice could demand that its criminal justice information warrants that it be segregated from the unified IT system.

The State Fund is the first state agency to request the legislature exempt it from MITA, based on its argument that its needs are special. SB 465 represents the first challenge to Montana's effort to establish a comprehensive, integrated IT strategy that promotes sound business management practices. Exempting the State Fund from MITA would set a dangerous precedent. If the legislature capitulates to this first effort, other agencies soon will follow. SB 465 will be the first chink in the determination made by the legislature a mere six years ago that what is best for Montana is an enterprise approach to IT management, control, and shared services.

Notable, too, is that, as enacted, MITA anticipated that there will be occasions when exceptions to the unified system may be appropriate, and MITA, itself, provides a mechanism for granting exceptions. The Act provides that "if it is in the best interests of the state," the Department of Administration may grant exceptions to any part of the state's information technology requirements. Mont Code Ann. § 2-17-515. Legislative oversight to the granting of exceptions is provided under statute. See 2-17-515 and 5-12-205. Therefore, statutorily exempting the State Fund from MITA, as proposed in SB 465, is inconsistent with the process established for the granting of exceptions already contained in MITA.

Prior to the 2007 legislative session, the Department of Administration attempted to negotiate with the State Fund pursuant to the provisions of 2-17-515. Rather than continuing to seek to resolve its differences pursuant to the statutory mechanism, the State Fund instead chose to seek an outright exemption from the IT laws by promoting SB 465. I can assure you that if my veto is sustained, the Department of Administration will continue to work with the State Fund within the existing statutory provisions to address and resolve the concerns of the State Fund.

Finally, I do not want to leave you with any false impressions. Computer systems are not foolproof. They can and do crash. You may have heard about two computer outages to the state's system that occurred in the last couple of years as justification for SB 465. The State Fund, too, suffered its own outage in 2006, when the State Fund installed a new switch on equipment under its control and disabled an important part of its agency network services.

Such outages, however, are not a reason for abandoning MITA. The real issue is whether an organization is prepared to respond when an outage occurs. It is my belief that centralized control of infrastructure – with all the necessary maintenance contracts and support structures in place to access vendor expertise – is better equipped to respond to the inevitable outage. MITA, in its current form, embodies this sound policy.

To conclude, the Montana Legislature enacted an enterprise approach for the delivery of information technology to the people of Montana. The public policy behind MITA is to promote operational effectiveness and efficiency. I believe SB 465 is contrary to this policy. SB 465 would create inefficiency and higher costs for IT operations both at the State Fund and the Department of Administration. I am not convinced that exempting the State Fund from MITA will benefit workers' compensation recipients or Montanans, generally. To the contrary, all arguments lead me to the conclusion that the State Fund should remain part of the state's information technology enterprise, for which my Administration is held accountable.

I return SB 465 to you with these reasons for my veto. I ask you to sustain this veto.

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Sincerely,

BRIAN SCHWEITZER  
GOVERNOR

cc: Legislative Services Division

**MOTIONS**

**SEN. JEFF ESSMANN, SD 28, BILLINGS** moved to take **HB 321** from Public Health and Safety Committee and placed on second reading the 87th Legislative day. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Kitzenberg, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash, J.Tropila.

Total 25

Nays: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 25

Paired: Barkus, Aye; Weinberg, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SEN. KELLY GEBHARDT, SD 23, ROUNDUP** moved to override the Governor's veto on **HB 469**. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gebhardt, Gillan, Jackson, Kitzenberg, Laible, Laslovich, Lewis, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, J.Tropila.

Total 31

Nays: Elliott, Gallus, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Larson, Lind, Moss, Ryan, Schmidt, Squires, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 19

Paired: Bales, Barkus, Ayes; Weinberg, No.

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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**SEN. JOHN BRUEGGEMAN, SD 6, POLSON** moved to take **HB 466** from Judiciary Committee and placed on second reading the 87th Legislative day. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gallus, Gebhardt, Jackson, Kitzenberg, Laible, Lewis, Murphy, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 24

Nays: Cocchiarella, Elliott, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Larson, Laslovich, Lind, McGee, Moss, O'Neil, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Williams, Mr. President.  
Total 25

Absent or not voting: None.  
Total 0

Excused: Weinberg.  
Total 1

**SEN. AUBYN CURTISS, SD 1, FORTINE** moved to take **HJR 31** out of Natural Resources Committee and placed on second reading the 87th Legislative day. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash, J.Tropila.  
Total 25

Nays: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 25

Paired: Barkus, Aye; Weinberg, No.

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SEN. JOE BALYEAT, SD 34, BOZEMAN** moved to change his vote on **SB 436** from "yes" to "no". Motion carried.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Gallus in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

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**SB 127 - House Amendments** - Senator Wanzenried moved House amendments to **SB 127** be concurred in. Motion carried as follows:

Yeas: Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Essmann, Gallus, Gillan, Hansen, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, J.Tropila, M.Tropila, Wanzenried, Williams, Mr. President.  
Total 35

Nays: Bales, Balyeat, Barkus, Curtiss, Esp, Gebhardt, Jackson, Laslovich, McGee, Perry, Stapleton, Story, Tash.  
Total 13

Absent or not voting: None.  
Total 0

Excused: Harrington, Weinberg.  
Total 2

**SB 227 Conference Committee Report** - Senator Laslovich moved consideration of **SB 227** be passed for the day. Motion carried.

**HB 822** - Senator Brueggeman moved **HB 822** be concurred in. Motion carried as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Curtiss, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Pease, Peterson, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Williams, Mr. President.  
Total 28

Nays: Bales, Balyeat, Barkus, Black, Brown, Elliott, Esp, Essmann, Gebhardt, Jackson, Laible, McGee, Murphy, O'Neil, Perry, Ryan, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 21

Absent or not voting: None.  
Total 0

Excused: Weinberg.  
Total 1

**HJR 59** - Senator Balyeat moved **HJR 59** be concurred in. Motion carried unanimously.

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Gallus moved the Committee of the Whole report be adopted. Report adopted unanimously.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 309** house amendments be concurred in as follows:

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Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Williams, Mr. President.  
Total 47

Nays: Juneau, Kaufmann.  
Total 2

Absent or not voting: None.  
Total 0

Excused: Weinberg.  
Total 1

**SB 130** house amendments be concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Williams, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Weinberg.  
Total 1

**SB 222** house amendments be concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Williams, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Weinberg.  
Total 1

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**SB 233** house amendments be concurred in as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Williams, Mr. President.  
Total 47

Nays: Balyeat, O'Neil.  
Total 2

Absent or not voting: None.  
Total 0

Excused: Weinberg.  
Total 1

**SB 486** house amendments be concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Williams, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Weinberg.  
Total 1

**SB 518** house amendments be concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Elliott, Esp, Essmann, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Kitzenberg, Laible, Laslovich, Lewis, Lind, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Schmidt, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, Williams.  
Total 38

Nays: Cocchiarella, Gallus, Juneau, Kaufmann, Larson, Moss, Ryan, Smith, M.Tropila, Wanzenried, Mr. President.  
Total 11

Absent or not voting: None.  
Total 0

Excused: Weinberg.



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Total 1

**SB 538** house amendments be concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Schmidt, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, Wanzenried, Williams, Mr. President.  
Total 45

Nays: Laslovich, Ryan, Smith, M.Tropila.  
Total 4

Absent or not voting: None.  
Total 0

Excused: Weinberg.  
Total 1

**HB 357** Governor's amendments be concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Williams, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Weinberg.  
Total 1

**SB 549** house amendments be concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Williams, Mr. President.  
Total 48

Nays: McGee.  
Total 1

Absent or not voting: None.  
Total 0

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Excused: Weinberg.  
Total 1

**SB 436** house amendments be concurred in as follows:

Yeas: Barkus, Black, Brueggeman, Cocchiarella, Elliott, Esp, Gallus, Gebhardt, Gillan, Hansen, Harrington, Jent, Kaufmann, Kitzenberg, Laible, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Tash, J.Tropila, M.Tropila, Williams, Mr. President.  
Total 34

Nays: Bales, Balyeat, Brown, Cobb, Curtiss, Essmann, Hawks, Jackson, Juneau, Larson, McGee, Peterson, Steinbeisser, Story, Wanzenried.  
Total 15

Absent or not voting: None.  
Total 0

Excused: Weinberg.  
Total 1

**SB 525** house amendments be concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Williams, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Weinberg.  
Total 1

**HJR 50** concurred in as follows:

Yeas: Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Williams, Mr. President.  
Total 43

Nays: Bales, Esp, Gebhardt, Shockley, Stapleton, Steinbeisser.  
Total 6

Absent or not voting: None.  
Total 0

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Excused: Weinberg.  
Total 1

**SB 49**, conference committee report adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Williams, Mr. President.  
Total 49

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: Weinberg.  
Total 1

**SB 147** conference committee report adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Williams, Mr. President.  
Total 46

Nays: Cobb, Esp, McGee.  
Total 3

Absent or not voting: None.  
Total 0

Excused: Weinberg.  
Total 1

**SB 365** conference committee report adopted as follows:

Yeas: Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Williams, Mr. President.  
Total 44

Nays: Bales, Balyeat, Cobb, Gebhardt, O'Neil.  
Total 5

Absent or not voting: None.  
Total 0

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Excused: Weinberg.  
Total 1

**SPECIAL ORDERS OF THE DAY**

President Cooney presented the Montana State Senate Recycling Program awards.

**LEGISLATIVE ADMINISTRATION** (Smith, Chairman):

4/23/2007

MR. PRESIDENT:

We, your committee on Legislative Administration recommend that employment of the following attaches of the Senate be terminated as of 9:00 a.m., Saturday, April 21, 2007:

<u>TITLE</u>	<u>NAME</u>
Pages:	Bryan Nickerson, Missoula
	Keefe Toole, Helena
	Logan Lloyd, Polson
	Faith Tash, Dillon
	Dani Parker, St. Ignatius
	Katie King, Billings
	Hannah Knobel, Conrad

and recommend that the following attaches of the Senate be employed as of 9:00 a.m., Monday, April 23, 2007:

<u>TITLE</u>	<u>NAME</u>
Pages:	Jamie Fox, Harlem
	Sarah Burke, Billings
	Kade Fleenor, Eureka
	Brandon Leonhardt, Forsyth
	Amber Mergenthaler, Polson
	Vincent Lucier, Anaconda

Report Adopted.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 2:00 p.m., Tuesday, April 24, 2007. Motion carried.

Senate adjourned at 1:49 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

**SENATE JOURNAL  
60TH LEGISLATURE  
EIGHTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana  
April 24, 2007

Senate Chambers  
State Capitol

Senate convened at 2:00 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. Senator Essmann excused. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 41

Nays: Balyeat, Esp, Gebhardt, Jackson, Lind, McGee, O'Neil, Shockley.  
Total 8

Absent or not voting: None.  
Total 0

Excused: Essmann.  
Total 1

**REPORTS OF STANDING COMMITTEES**

**NATURAL RESOURCES AND ENERGY** (Lind, Chairman):

4/24/2007

**HJR 57**, be concurred in. Report adopted.

**HJR 828**, be amended as follows:

1. Page 1, line 18.

**Following:** "who are"

**Strike:** "not"

2. Page 1, line 24.

**Strike:** "are entitled" through "allowed for"

**Insert:** "may not be"

3. Page 1, line 27 through line 28.

**Strike:** "capture" on line 27 through "use, and" on line 28

4. Page 2, line 3.

**Strike:** "capture" through "use, and"

5. Page 2, line 5.

**Strike:** "economic"

**Strike:** "effects"

**Insert:** "benefits"

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EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 24, 2007

6. Page 2, line 7.

**Following:** ";"

**Insert:** "and"

7. Page 2, line 9.

**Strike:** "; and"

**Insert:** "."

8. Page 2, line 10.

**Strike:** subsection (h) in its entirety

9. Page 5, line 2.

**Following:** "AND"

**Insert:** ", in the 2009 biennium,"

And, as amended, be concurred in. Report adopted.

**PUBLIC HEALTH, WELFARE AND SAFETY** (Weinberg, Chairman):

4/23/2007

**HJR 47**, be concurred in. Report adopted.

**HJR 48**, be concurred in. Report adopted.

**HJR 52**, be concurred in. Report adopted.

**MESSAGES FROM THE GOVERNOR**

April 24, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 185** sponsored by Senator Hawks on April 24, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 24, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620  
Dear Senator Cooney:

SENATE JOURNAL  
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Please be informed that I have signed **Senate Bill 369** sponsored by Senator Smith on April 24, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 23, 2007

The Honorable Scott Sales  
Speaker of the House  
State Capitol  
Helena, MT 59620

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, MT 59620

Dear Speaker Sales and President Cooney:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments House Bill (HB) 729, "AN ACT REVISING ADVERTISING AND PUBLICATION REQUIREMENTS FOR BOARDS OF COUNTY COMMISSIONERS; PROVIDING THAT A NEWSLETTER OR OTHER PUBLICATION PRODUCED BY A LOCAL GOVERNMENT IS NOT CONSIDERED A NEWSPAPER FOR COUNTY ADVERTISING PURPOSES; AND AMENDING SECTION 7-5-2411, MCA."

HB 729 was introduced at the request of the Montana Association of Counties to correct an inconsistency in statute created in 2005, when the legislature, through enactment of HB 474, amended Mont. Code Ann. § 7-1-2121, concerning the publication of notices in newspapers by non-municipal local governments, but inadvertently left unchanged another statute concerning legal advertising in newspapers by counties, Mont. Code Ann. § 7-5-2411, which conflicted with the changes made by HB 474.

As introduced this session, HB 729 corrected the inconsistency. However, amendments were added to HB 729 that perpetuate the problem the counties sought to rectify.

Working with the interested parties, I have prepared the enclosed amendments for your consideration. With these amendments, the two sections of law, Mont. Code Ann. §§ 7-1-2121 and 7-5-2411, will not conflict. That was the goal of HB 729 as introduced. I have discussed my proposed amendment with the sponsor of the bill, Representative Raser, who has expressed her support.

Sincerely,

BRIAN SCHWEITZER  
GOVERNOR

August 27, 2008 (3:53pm)

1. Title, line 5.

**Following: "COMMISSIONERS"**

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**Insert:** "AND CERTAIN OTHER UNITS OF LOCAL GOVERNMENT"

2. Title, line 7.

**Strike:** "SECTION"

**Insert:** "SECTIONS 7-1-2121 AND"

3. Page 1, line 11.

**Following:** line 10

**Insert:** "Section 1. Section 7-1-2121, MCA, is amended to read:

**"7-1-2121. Publication and content of notice -- proof of publication.** Unless otherwise specifically provided, whenever a local government unit other than a municipality is required to give notice by publication, the following applies:

(1) Publication must be in a newspaper meeting the qualifications of subsections (2) and (3), except that in a county where ~~no a newspaper meets~~ does not meet these qualifications, publication must be made in a qualified newspaper in an adjacent county. If there is no qualified newspaper in an adjacent county, publication must be made by posting the notice in three public places in the county, designated by resolution of the governing body.

(2) (a) The newspaper must ~~be~~:

(i) be of general circulation;

(ii) be published at least once a week; ~~and~~

(iii) be published in the county where the hearing or other action will take place; and

(iv) have, prior to July 1 of each year, submitted to the clerk and recorder a sworn statement that includes:

(A) circulation for the prior 12 months;

(B) a statement of net distribution;

(C) itemization of the circulation that is paid and that is free; and

(D) the method of distribution.

(b) A newspaper of general circulation does not include a newsletter or other document produced or published by the local government unit.

(3) In the case of a contract award, the newspaper must have been published continuously in the county for the 12 months preceding the awarding of the contract.

(4) If a person is required by law or ordinance to pay for publication, the payment must be received before the publication may be made.

(5) The notice must be published twice, with at least 6 days separating each publication.

(6) The published notice must contain:

(a) the date, time, and place of the hearing or other action;

(b) a brief statement of the action to be taken;

(c) the address and telephone number of the person who may be contacted for further information on the action to be taken; and

(d) any other information required by the specific section requiring notice by publication.

(7) A published notice required by law may be supplemented by a radio or television broadcast of the notice in the manner prescribed in 2-3-105 through 2-3-107.

(8) Proof of the publication or posting of any notice may be made by affidavit of the owner, publisher, printer, or clerk of the newspaper or of the person posting the notice."

Renumber: subsequent section

4. Page 1, line 18.

**Following:** "1"

**Insert:** "and"

5. Page 1, lines 19 through 26.



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**Strike:** subsections (d) and (e) in their entirety

**Insert:** "(d) prior to July 1 of each year, has submitted to the clerk and recorder a sworn statement that includes:

- (i) circulation for the prior 12 months;
- (ii) a statement of net distribution;
- (iii) itemization of the circulation that is paid and that is free; and
- (iv) the method of distribution."

April 23, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, MT 59620

The Honorable Scott Sales  
Speaker of the House  
State Capitol  
Helena, MT 59620

Dear President Cooney and Speaker Sales:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill (SB) 27, "AN ACT CLARIFYING THE RIGHT OF A GRANDPARENT TO HAVE CONTACT WITH A GRANDCHILD IN LIGHT OF DECISIONS BY THE U.S. SUPREME COURT AND THE MONTANA SUPREME COURT; AMENDING SECTION 40-9-102, MCA; AND PROVIDING AN APPLICABILITY DATE."

SB 27 amends the current statute establishing the standards to be applied by a court when a grandparent petitions for contact with a grandchild. The genesis of the bill was a 2006 decision by the Montana Supreme Court, which set forth the steps a court must take in reviewing a petition for grandparent-grandchild contact. My proposed amendment is intended to establish a standard for use by the courts that puts greater focus on the best interests of the child when faced with these difficult questions.

My proposed amendment incorporates the language used by the Montana Supreme Court in *Polasek v. Omura*, 2006 MT 103, ¶ 15 to determine parental "fitness." In that case, the Court stated that a district court must "first inquire whether the child's parent is fit; that is, the court must determine whether the parent 'adequately cares for his or her children.'" My proposed amendment incorporates this standard for parental fitness in the context of grandparent-grandchild rights being addressed in the bill. If the parent is "fit," i.e., "adequately cares for his or her child," a grandparent must overcome, by clear and convincing evidence, the presumption that the parent's wishes are in the best interests of the child, as required in *Polasek*.

My concern with the bill as delivered to me is that the standard for determining parental fitness was taken from parental termination proceedings, and that standard is inappropriate in these grandparent-grandchild contact cases. Most important, the standard contained in the bill delivered to me may not really be in the child's "best interests." In these difficult cases, involving disputes between family members of multiple generations, our mutual goal should always be the "best interests of the child."

I have discussed my proposed amendment with the sponsor of the bill, Senator Esp, and he has indicated his support. A copy of the amendment is attached to this letter for your consideration.

Sincerely,

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BRIAN SCHWEITZER  
GOVERNOR

4. Page 1, line 17.

**Strike:** "must"

**Insert:** "may"

4. Page 1, line 23.

**Following:** line 22

**Insert:** "WHEREAS, the United States Supreme Court held in *Troxel v. Granville*, 530 U.S. 57 (2000), that parents are presumed to act in their child's best interests; and"

5. Page 2, line 27.

**Strike:** "(5)"

**Insert:** "(7)"

6. Page 3, line 7.

**Following:** "COURT."

**Insert:** "Fitness must be determined on the basis of whether the parent adequately cares for the parent's child."

7. Page 3, line 8 through line 10.

**Strike:** subsection (3) in its entirety

**Renumber:** subsequent subsections

April 23, 2007

The Honorable Scott Sales  
Speaker of the House  
State Capitol  
Helena, MT 59620

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, MT 59620

Dear Speaker Sales and President Cooney:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments House Bill (HB) 353, "AN ACT PROVIDING FOR THE RECORDING AND TRANSCRIPTION BY A PEACE OFFICER OF A TELEPHONIC APPLICATION BY THE PEACE OFFICER FOR A SEARCH WARRANT; AND AMENDING SECTION 46-5-222, MCA."

HB 353 authorizes peace officer to record a transcribe a telephonic application for a search warrant. My proposed amendment is intended to correct an inconsistency in statute. Under Mont. Code Ann. § 46-5-220, a peace officer, the city or county attorney, or the attorney general may apply for a search warrant. However, as amended, Mont. Code Ann. § 46-5-222 refers to applications for warrants made only by peace officers. My proposed amendment to subsection (3)(c) of 46-5-222 corrects this inconsistency. It also uses the same language found in subsection (3)(b) of current law referring to telephonic applications for search warrants made to judges.

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I have discussed my proposed amendment with the sponsor of the bill, Representative McGillvray, who has expressed his support.

Sincerely,

BRIAN SCHWEITZER  
GOVERNOR

**REPORTS OF SELECT COMMITTEES**

**FREE CONFERENCE COMMITTEE**

on **Senate Bill 51**

Report No. 1, April 24, 2007

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 51** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 51** (reference copy -- salmon) be amended as follows:

1. Page 11, line 22.

**Strike:** "2008"

**Insert:** "2009"

2. Page 11, line 24.

**Strike:** "and"

3. Page 11, line 26.

**Following:** "interface"

**Insert:** "; and

(c) identification of enforcement mechanisms"

4. Page 11, line 27 through line 28.

**Strike:** subsection (3) in its entirety

5. Page 12, line 19.

**Strike:** "2008"

**Insert:** "2009"

6. Page 13, line 5.

**Strike:** "2008"

**Insert:** "2009"

For the Senate:

Hawks, Chairman  
Moss  
Laible

For the House:

Koopman, Chairman  
Vincent  
Dickenson

SENATE JOURNAL  
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CONFERENCE COMMITTEE  
on House Amendments to **Senate Bill 96**

Report No. 1, April 24, 2007

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 96** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 96** (reference copy -- salmon) be amended as follows:

1. Title, line 7.

**Following:** "TO THE"

**Insert:** "PETITIONER, WITH REVIEW BY THE"

2. Title, line 8.

**Following:** "DIVISION"

**Insert:** "AND APPROVAL BY THE ATTORNEY GENERAL FOR INITIATED MEASURES AND  
PREPARATION BY THE ATTORNEY GENERAL FOR REFERRED MEASURES"

3. Page 2, line 12 through line 13.

**Strike:** "LEGISLATIVE" on line 12 through "DIVISION'S" on line 13

**Insert:** "petitioner's

**Following:** "statements"

**Insert:** "for initiated measures and the attorney general's ballot statements for referred measures"

4. Page 2, line 17.

**Strike:** "LEGISLATIVE SERVICES DIVISION'S"

**Insert:** "petitioner's"

5. Page 2, lines 21 and 22.

**Strike:** "A QUALIFIED ELECTOR"

**Insert:** "the lead petitioner"

6. Page 2, line 24.

**Following:** "COURT."

**Insert:** "If a lead petitioner has not been designated in accordance with this section or if the parties to the proceeding agree, the proceeding must be referred to the district court for Lewis and Clark County."

7. Page 2.

**Following:** line 27

**Insert:** "(4) As used in this section, "lead petitioner" means an individual designated by the petitioner or petitioners on a form provided by the secretary of state.

**Renumber:** subsequent subsection

8. Page 9, line 11.

**Following:** "state"

**Insert:** "together with draft ballot statements intended to comply with 13-27-312"

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EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 24, 2007

9. Page 9, line 14.

**Following:** "issue"

**Insert:** "and statements"

10. Page 9, line 15.

**Following:** "text"

**Insert:** "and statements"

**Following:** "consistency,"

**Insert:** "and"

11. Page 9, line 16.

**Following:** "division"

**Insert:** ", the requirements of 13-27-312"

12. Page 9, line 18.

**Following:** "text"

**Insert:** "and statements"

13. Page 9, line 20.

**Following:** "text"

**Insert:** "and revisions to the statements to make them consistent with any recommendations for change to the text and the requirements of 13-27-312"

14. Page 9, line 28.

**Following:** "issue"

**Insert:** "and ballot statements"

15. Page 10, line 1.

**Following:** "text"

**Insert:** "or a ballot statement"

16. Page 10, line 3.

**Following:** "issue"

**Insert:** "and statements"

**Following:** "to"

**Insert:** "the"

**Following:** "sufficiency"

**Insert:** "of the issue and for approval of the petitioner's ballot statements"

17. Page 10, lines 3 and 4.

**Strike:** "TO THE LEGISLATIVE SERVICES DIVISION"

18. Page 10, line 4.

**Strike:** "preparation of ballot statements"

**Insert:** "a determination"

**Following:** "13-27-312"

**Insert:** "whether a fiscal note is necessary"

19. Page 10, line 19.

**Strike:** "LEGISLATIVE SERVICES DIVISION"

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**Insert:** "petitioner, as approved by the attorney general and"

20. Page 10, line 23 through line 24.

**Strike:** "LEGISLATIVE" on line 23 through "DIVISION" on line 24

**Insert:** "petitioner, reviewed by the legislative services division, and approved by the attorney general"

21. Page 14, line 25.

**Strike:** "HARASSMENT"

**Insert:** "Physical prevention of obtaining signatures or physical intimidation"

22. Page 14, line 26.

**Strike:** "HARASS"

**Insert:** "physically prevent an individual from obtaining signatures or attempting to obtain signatures on a petition for a ballot issue"

**Following:** the second "OR"

**Insert:** "physically"

23. Page 14, lines 27 and 28.

**Strike:** "MEASURE" on line 27 through "MEASURE" on line 28

**Insert:** "issue"

24. Page 16, line 7.

**Following:** "issue"

**Insert:** "and statements"

25. Page 16, line 8.

**Strike:** "statements --"

**Following:** "issue"

**Insert:** "and statements"

26. Page 16, line 13.

**Following:** "section"

**Insert:** "and shall determine whether the ballot statements comply with the requirements of this section"

27. Page 16, line 17.

**Strike:** "LEGISLATIVE SERVICES DIVISION shall prepare"

**Insert:** "attorney general shall, in reviewing the ballot statements, endeavor to seek out parties on both sides of the issue and obtain their advice. The attorney general shall review the ballot statements to determine if they contain the following matters"

28. Page 16, line 24.

**Strike:** "SEND"

**Insert:** "return"

29. Page 16, line 25.

**Strike:** "SECRETARY OF STATE"

**Insert:** "attorney general"

30. Page 16, line 26.

**Strike:** "LEGISLATIVE SERVICES DIVISION"

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**Insert:** "attorney general"

31. Page 17, line 26.

**Strike:** "LEGISLATIVE" through "SHALL"

**Insert:** "attorney general shall also"

**Following:** "state"

**Insert:** "the petitioner's"

32. Page 17, line 27.

**Strike:** "prepared pursuant to"

**Insert:** "that comply with the requirements of"

**Strike:** "and THE"

**Insert:** ". If the attorney general determines in writing that a ballot statement clearly does not comply with the requirements of this section, the attorney general shall prepare a statement that complies with the requirements of this section, forward that statement to the secretary of state as the approved statement, and provide a copy to the petitioner. The"

33. Page 18, line 1.

**Strike:** "LEGISLATIVE SERVICES DIVISION"

**Insert:** "attorney general"

**Following:** "has"

**Insert:** "approved or"

34. Page 18, line 5.

**Strike:** "LEGISLATIVE SERVICES DIVISION"

**Insert:** "attorney general"

35. Page 18, line 7.

**Strike:** "LEGISLATIVE SERVICES DIVISION"

**Insert:** "attorney general"

36. Page 18, line 10.

**Strike:** "LEGISLATIVE SERVICES DIVISION"

**Insert:** "attorney general"

37. Page 18, line 28.

**Strike:** "LEGISLATIVE SERVICES DIVISION"

**Insert:** "approved petitioner"

38. Page 18, line 30.

**Strike:** "formulated"

**Insert:** "approved"

**Strike:** "LEGISLATIVE SERVICES DIVISION"

**Insert:** "attorney general"

39. Page 19, line 8.

**Following:** "statement"

**Insert:** "petitioner"

**Strike:** "formulated"

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EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 24, 2007

**Insert:** "approved"

40. Page 19, line 8 through line 9.

**Strike:** "LEGISLATIVE" on line 8 through "DIVISION" on line 9

**Insert:** "attorney general"

41. Page 19, line 18.

**Strike:** "LEGISLATIVE SERVICES DIVISION'S ballot statements"

**Insert:** "petitioner's ballot statements approved by the attorney general"

42. Page 19, line 27.

**Strike:** "LEGISLATIVE SERVICES DIVISION"

**Insert:** "attorney general"

43. Page 19, line 29.

**Strike:** "LEGISLATIVE SERVICES DIVISION"

**Insert:** "attorney general"

44. Page 20, line 8.

**Strike:** "LEGISLATIVE SERVICES DIVISION"

**Insert:** "attorney general"

45. Page 20, line 18.

**Strike:** "LEGISLATIVE SERVICES DIVISION"

**Insert:** "attorney general"

46. Page 20, line 21.

**Strike:** "LEGISLATIVE SERVICES DIVISION'S"

**Insert:** "petitioner's"

**Following:** "statements"

**Insert:** ", as approved by the attorney general,"

47. Page 23, line 16.

**Strike:** "LEGISLATIVE SERVICES DIVISION's"

**Insert:** "attorney general's"

For the Senate:

Williams, Chairman  
Laslovich  
Laible

For the House:

Everett, Chairman  
Kottel  
Butcher

**FREE CONFERENCE COMMITTEE**  
on **Senate Bill 118**

Report No. 1, April 23, 2007



SENATE JOURNAL  
EIGHTY-SEVENTH LEGISLATIVE DAY - APRIL 24, 2007

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 118** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 118** (reference copy -- salmon) be amended as follows:

1. Title, line 6.

**Following:** "MCA"

**Strike:** "; REPEALING"

**Insert:** ", AND"

2. Title, line 8.

**Following:** "DATE"

**Insert:** "AND A TERMINATION DATE"

3. Page 2, line 11.

**Following:** "2008;"

**Insert:** "and"

4. Page 2, lines 12 through 14.

**Strike:** "between" on line 12

**Insert:** "beginning"

**Following:** "2009" on line 12

**Strike:** ", and" on line 12 through "day" on line 15

5. Page 3, line 13 through line 17.

**Strike:** sections 4 and 5 in their entirety

**Insert:** "**Section 4.** Section 20, Chapter 390, Laws of 2003, is amended to read:

"Section 20. Termination. [This act] terminates June 30, ~~2005~~ 2009."

**Insert:** "**Section 5.** Section 4, Chapter 606, Laws of 2005, is amended to read:

"Section 4. Section 20, Chapter 390, Laws of 2003, is amended to read:

"Section 20. Termination. [This act] terminates June 30, ~~2005~~ ~~2007~~ 2009."

**Insert:** "**Section 6.** Section 7, Chapter 606, Laws of 2005, is amended to read:

"Section 7. Termination. [This act] terminates June 30, ~~2007~~ 2009."

**Renumber:** subsequent section

6. Page 3.

**Following:** line 19

**Insert:** "NEW SECTION. **Section 8. Termination.** [Sections 1 through 3] terminate June 30, 2009."

For the Senate:

Cobb, Chairman  
Laslovich  
Wanzenried

For the House:

Everett, Chairman  
Campbell  
Wells

CONFERENCE COMMITTEE  
on House Amendments to **Senate Bill 227**

SENATE JOURNAL  
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Report No. 1, April 23, 2007

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 227** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 227** (reference copy -- salmon) be amended as follows:

1. Title, line 12.

**Following:** "CONFERENCE;"

**Insert:** "PROVIDING THAT A PARTY AT THE PARTY'S DISCRETION MAY APPEAR IN CERTAIN JUSTICE'S COURT PRETRIAL PROCEEDINGS BY TELEPHONE CONFERENCE;"

2. Title, line 13.

**Following:** "25-31-710;"

**Insert:** "25-31-710,"

3. Page 5.

**Following:** line 8

**Insert:** "Section 6. Section 25-31-710, MCA, is amended to read:

**"25-31-710. Pretrial conferences or hearings -- appearance by telephone conference.** (1) ~~At the discretion of the court, a~~ A party or the party's attorney may make an appearance by telephone conference in a pretrial conference or other hearing under this chapter if:

(a) the party does not need to or intend to offer evidence at the pretrial conference or hearing; ~~and~~  
(b) the party does not reside within the county in which the case is filed or the party's or the party's attorney's principal place of business is not located in that county; and

(c) at least 10 days before the pretrial conference or other hearing, the party or the party's attorney intending to appear by telephone conference provides written notice to the court and to all parties or the attorneys for the parties.

(2) The party requesting the telephone conference is responsible for arranging the telephone conference and paying the associated costs.""

**Renumber:** subsequent section

For the Senate:

Laslovich, Chairman  
Shockley  
Jent

For the House:

Koopman, Chairman  
Kerns  
Raser

**FREE CONFERENCE COMMITTEE  
on Senate Bill 276**

Report No. 1, April 24, 2007

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 276** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

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And, recommend that **Senate Bill 276** (reference copy -- salmon) be amended as follows:

1. Page 1, line 22.

**Following:** "BY"

**Insert:** ";  
(A)"

2. Page 1, line 23 through line 24.

**Following:** "PRODUCER"

**Insert:** ";"

**Strike:** "by" on line 23 through "state." on line 24

**Insert:** "(B) a person licensed under Title 37, chapter 19, parts 3 and 4, if that person also is licensed as a life insurance producer in this state.  
(d)"

3. Page 1, line 25.

**Strike:** "this"

4. Page 2, line 5 through line 8.

**Strike:** "AND" on line 5 through "." on line 8

**Insert:** "(b) the applicant may designate the beneficiary, including but not limited to a funeral director, mortician, mortuary, or undertaker, if the applicant has an insurable interest in the life of the insured;  
and

(c) subject to the provisions of [section 2] and this section, the beneficiary may use the proceeds for any purpose."

5. Page 4, line 5 through line 6.

**Strike:** "WITH" on line 5 through "in" on line 6

**Insert:** "except as permitted by"

6. Page 9, line 2 through line 5.

**Strike:** "CLEARLY" on line 2 through "PURPOSE" on line 5

**Insert:** "comply with [section 1]"

7. Page 9, line 8.

**Strike:** "(4)"

**Insert:** "(5)"

For the Senate:

Steinbeisser, Chairman  
J. Tropila  
Larson

For the House:

Mendenhall, Chairman  
Boggio  
Reinhart

CONFERENCE COMMITTEE  
on Senate Amendments to **House Bill 160**

Report No. 1, April 24, 2007

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Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 160** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 160** (reference copy -- salmon) be amended as follows:

1. Page 1, line 12.

**Strike:** "\$446,987"

**Insert:** "\$822,774.07"

2. Page 1, line 13.

**Following:** "interest"

**Insert:** "plus interest"

3. Page 1, line 19.

**Following:** "interest"

**Insert:** "plus interest"

4. Page 1, line 22.

**Strike:** "\$5.40"

**Insert:** "\$5.94"

5. Page 1, line 23.

**Strike:** "\$14,242.87"

**Insert:** "\$14,500.19"

6. Page 1, line 24.

**Strike:** "\$737.95"

**Insert:** "\$761.97"

7. Page 1, line 25.

**Strike:** "\$5,881.98"

**Insert:** "\$6,060.68"

8. Page 1, line 26 through line 28.

**Strike:** lines 26 through 28 in their entirety

**Renumber:** subsequent subsections

9. Page 1, line 29.

**Strike:** "STATE SPECIAL REVENUE FUND"

**Strike:** "\$9.26"

**Insert:** "\$10.40"

10. Page 1, line 30.

**Strike:** "STATE SPECIAL REVENUE FUND"

11. Page 2, line 1.

**Strike:** "\$17.06"

**Insert:** "\$19.24"

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12. Page 2, line 2.

**Following:** "SCHOOLS"

**Insert:** "common schools"

**Strike:** "STATE SPECIAL REVENUE FUND"

13. Page 2, line 3.

**Strike:** "CAPITOL LAND GRANT PROJECTS FUND ("

**Following:** "BUILDINGS"

**Strike:** ")"

**Strike:** "\$25,848.25"

**Insert:** "\$29,149.38"

14. Page 2, line 12.

**Strike:** "TRANSFERRED"

**Insert:** "appropriated"

15. Page 2, line 13.

**Following:** the first "SCHOOLS"

**Insert:** "common schools"

**Strike:** "STATE SPECIAL REVENUE FUND"

16. Page 2, line 14.

**Following:** line 13

**Insert:** "common schools"

For the House:

Musgrove, Chairman

R. Ripley

R. Stoker

For the Senate:

Wanzenried, Chairman

Laible

Hawks

CONFERENCE COMMITTEE  
on Senate Amendments to **House Bill 304**

Report No. 1, April 24, 2007

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 304** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 304** (reference copy -- salmon) be amended as follows:

1. Title, line 5 through line 7.

**Following:** "ISSUES" on line 5

**Strike:** " " on line 5 through "MONTANA" on line 7

2. Title, line 9.

**Strike:** "APPROPRIATIONS"

**Insert:** "AN APPROPRIATION"

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3. Page 12, line 28 through page 13, line 8.  
**Strike:** subsection (3) in its entirety

For the House:

Furey, Chairman  
L. Jones  
D. Barrett

For the Senate:

Kaufmann, Chairman  
Lind  
Perry

CONFERENCE COMMITTEE  
on Senate Amendments to **House Bill 715**

Report No.1, April 23, 2007

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 715** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 715** (reference copy -- salmon) be amended as follows:

1. Title, line 6.

**Following:** "PROJECTS"

**Insert:** "OR RENEWABLE RESOURCE RESEARCH AND DEVELOPMENT PROJECTS"

2. Page 1, line 29.

**Following:** "projects"

**Insert:** ", "

**Strike:** "or"

3. Page 1, line 30.

**Following:** "projects"

**Insert:** ", or renewable resource research and development projects"

4. Page 2, line 7.

**Strike:** "20%"

**Insert:** "30%"

5. Page 2, line 8.

**Following:** "development"

**Insert:** "or renewable resource research and development"

6. Page 2, line 10.

**Following:** "DEVELOPMENT"

**Insert:** "or renewable resource research and development"

7. Page 3, line 12.

**Insert:** "(11) For the purposes of this section: (a) "clean coal research and development" means research and development of projects that would advance the efficiency, environmental performance, and cost-competitiveness of using coal as an energy source well beyond the current level of technology used in commercial service;

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(b) "renewable resource research and development" means research and development that would advance:

- (i) the use of any of the sources of energy listed in 69-8-1003(6) to produce electricity; and
- (ii) the efficiency, environmental performance, and cost competitiveness of using renewable resources as an energy source well beyond the current level of technology used in commercial service."

For the House:

A. Olson, Chairman  
Driscoll  
Himmelberger

For the Senate:

Wanzenried, Chairman  
Lind  
Gebhardt

**MESSAGES FROM THE OTHER HOUSE**

<b>House joint resolution</b> passed and transmitted to the Senate for concurrence:	4/23/2007
<b>HJR 46</b> , introduced by Sands	
Conference Committee Report No.1 adopted:	4/23/2007
<b>SB 404</b> , introduced by Lind	
Conference Committee Report No.1 adopted:	4/23/2007
<b>SB 121</b> , introduced by Elliott	
Conference Committee Report No.1 adopted:	4/23/2007
<b>SB 12</b> , introduced by Williams	
Conference Committee Report No.1 adopted:	4/23/2007
<b>HB 687</b> , introduced by W. Jones	
<b>Senate amendments to House bill</b> concurred in:	4/23/2007
<b>HB 3</b> , introduced by Franklin	
<b>Senate amendments to House bill</b> concurred in:	4/23/2007
<b>HB 39</b> , introduced by McNutt	
<b>Senate amendments to House bill</b> concurred in:	4/23/2007
<b>HB 69</b> , introduced by McNutt	
<b>Senate amendments to House bill</b> concurred in:	4/23/2007
<b>HB 257</b> , introduced by Lake	
<b>Senate amendments to House bill</b> concurred in:	4/23/2007

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**HB 330**, introduced by Bergren

**Senate amendments to House bill** concurred in: 4/23/2007

**HB 798**, introduced by Lambert

**Senate bill** concurred in and returned to the Senate: 4/23/2007

**SB 411**, introduced by Laible

**Senate joint resolution** concurred in and returned to the Senate: 4/23/2007

**SJR 16**, introduced by Lind

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 4/23/2007

**SB 524**, introduced by Wanzenried

**Senate bill** concurred in and returned to the Senate: 4/23/2007

**SB 281**, introduced by Balyeat

**Senate bill** concurred in and returned to the Senate: 4/23/2007

**SB 514**, introduced by Balyeat

**Senate amendments to House bill** concurred in: 4/23/2007

**HB 831**, introduced by McNutt

Conference Committee Report No.1 adopted: 4/24/2007

**SB 118**, introduced by Cobb

Conference Committee Report No.1 adopted: 4/24/2007

**SB 227**, introduced by Laslovich

**Free Conference Committee Report No.1** adopted: 4/24/2007

**SB 147**, introduced by Shockley

**Free Conference Committee Report No.1** adopted: 4/24/2007

**SB 365**, introduced by Story

**Free Conference Committee Report No.1** adopted: 4/24/2007

**SB 49**, introduced by Esp



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**MOTIONS**

**SEN. GARY PERRY, SD 35, MANHATTAN** moved to take **HB 695** from Judiciary Committee table and placed on second reading the 88th Legislative day. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Gillan, Jackson, Laible, Lewis, Murphy, O'Neil, Perry, Peterson, Ryan, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 24

Nays: Cobb, Cocchiarella, Elliott, Gallus, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, McGee, Moss, Pease, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 26

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SEN. DAVID WANZENRIED, SD 49, MISSOULA** moved to Suspend the Rules to accept **SB 524**. Motion carried as follows:

Yeas: Bales, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 42

Nays: Balyeat, Barkus, Brown, Esp, Gebhardt, McGee, Shockley, Stapleton.  
Total 8

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** moved the appointment of a free conference to dissolve the conference committee on **HB 592**. The President appoints Senators Schmidt, Chair, M. Tropila, Steinbeisser. Motion carried unanimously.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Cocchiarella in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

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**SB 227 - Conference Committee Report No. 1** - Senator Laslovich moved the Conference Committee report to **SB 227** be adopted. Motion carried unanimously.

**HJR 61** - Senator Elliott moved **HJR 61** be concurred in. Motion carried as follows:

Yeas: Bales, Black, Brueggeman, Cobb, Cocchiarella, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lind, Moss, Pease, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 38

Nays: Balyeat, Barkus, Brown, Curtiss, Esp, Jackson, Lewis, McGee, Murphy, O'Neil, Perry, Stapleton.

Total 12

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 27 - Governor's Amendments** - Senator Esp moved Governor's amendments to **SB 27** be concurred in. Motion carried unanimously.

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Cocchiarella moved the Committee of the Whole report be adopted. Report adopted unanimously.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 127, as amended by the House**, concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 44

Nays: Curtiss, Esp, Gebhardt, Jackson, McGee, Steinbeisser.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 822** concurred in as follows:

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Yeas: Black, Brueggeman, Cobb, Cocchiarella, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 34

Nays: Bales, Balyeat, Barkus, Brown, Curtiss, Elliott, Esp, Gebhardt, Jackson, Laible, McGee, O'Neil, Perry, Shockley, Stapleton, Story.

Total 16

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HJR 59** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 45

Nays: Esp, Gebhardt, Lewis, McGee, Squires.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SPECIAL ORDERS OF THE DAY**

**SEN. CAROLYN SQUIRES, SD 48, MISSOULA** moved **SR 10** nominations. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: McGee.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

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Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 11:00 a.m., Wednesday, April 25, 2007. Motion carried.

Senate adjourned at 2:43 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

**SENATE JOURNAL  
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EIGHTY-EIGHTH LEGISLATIVE DAY**

Helena, Montana  
April 25, 2007

Senate Chambers  
State Capitol

Senate convened at 11:00 a.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 42

Nays: Balyeat, Brown, Gebhardt, Jackson, Lind, McGee, O'Neil, Shockley.

Total 8

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**REPORTS OF STANDING COMMITTEES**

**STATE ADMINISTRATION** (Squires, Chairman):

4/25/2007

**SJR 46**, be adopted. Report adopted.

**REPORTS OF SELECT COMMITTEES**

**CONFERENCE COMMITTEE**

on House Amendments to **Senate Bill 25**

Report No. 1, April 25, 2007

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 25** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 25** (reference copy -- salmon) be amended as follows:

1. Page 4, line 19 through line 23.

**Strike:** subsection (3) in its entirety

**Insert:** "(3) If the department is addressing forest health concerns as provided in [section 4], the department may exceed the annual sustained harvest level by up to 5% using contract harvesting, provided that the contract harvest volume in excess of the annual sustained harvest level contains no more than 25% merchantable saw log volume."

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For the Senate:

Larson, Chairman  
Kaufmann  
Lewis

For the House:

Everett, Chairman  
Vincent  
Cordier

**CONFERENCE COMMITTEE  
on House Amendments to **Senate Bill 103**  
Report No. 1, April 24, 2007**

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 103** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 103** (reference copy -- salmon) be amended as follows:

1. Title, line 10.

Strike: "REGISTERED VOTERS"

**Insert:** "OWNERS OF 40 PERCENT OR MORE OF THE REAL PROPERTY WITHIN THE PROPOSED DISTRICT AND OWNERS OF PROPERTY REPRESENTING 40 PERCENT OR MORE OF THE TAXABLE VALUE OF THE PROPERTY WITHIN THE PROPOSED DISTRICT"

2. Page 2, line 8.

**Following:** "AREA"

**Insert:** "the owners of"

**Strike:** "REGISTERED VOTERS RESIDING"

**Insert:** "real property"

**Following:** "DISTRICT"

**Insert:** "and owners of property representing 40% or more of the taxable value of property in the proposed district"

3. Page 2, line 19.

**Following:** "VOTER"

**Insert:** "and real property owner"

4. Page 3, line 3.

**Strike:** "REGISTERED VOTER"

**Insert:** "real property owner"

5. Page 3, line 4 through line 5.

**Strike:** "AND WHO OWNS" on line 4 through "DISTRICT" on line 5

6. Page 3, line 5.

**Strike:** "VOTER'S"

**Insert:** "property owner's"

7. Page 7, line 2 through line 3.

**Strike:** "REGISTERED" on line 2 through "RESIDING IN" on line 3

**Insert:** "Real property owners in"

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8. Page 7, line 4.

**Following:** "50%"

**Insert:** "the owners of"

9. Page 7, line 5.

**Strike:** "REGISTERED VOTERS"

**Insert:** "real property in an existing district and owners of property representing 40% or more of the taxable value of property"

10. Page 7, line 18.

**Following:** "OWNERS"

**Insert:** "the owners of"

11. Page 7, line 19.

**Strike:** "REGISTERED VOTERS of an"

**Insert:** "real property within the area proposed to be detracted from the original district and owners of property representing 40% or more of the taxable value of property in the"

12. Page 8, line 13.

**Following:** "OWNERS IN"

**Insert:** "the owners of"

**Strike:** "REGISTERED VOTERS RESIDING IN"

**Insert:** "real property in the entire original district and owners of property representing 40% or more of the taxable value of property in"

13. Page 9, line 4.

**Following:** "OWNERS"

**Insert:** "the owners of"

14. Page 9, line 5.

**Strike:** "REGISTERED VOTERS WHO RESIDE"

**Insert:** "real property within the proposed area to be annexed and owners of property representing 40% or more of the taxable value of property"

15. Page 9, line 17.

**Strike:** "REGISTERED VOTERS RESIDING IN"

**Insert:** "owners of real property in the area proposed for annexation and owners of property representing 40% or more of the taxable value of the property in"

16. Page 10, line 4 through line 5.

**Strike:** "REGISTERED" on line 4 through "RESIDING" on line 5

**Insert:** "owners of real property within the area proposed to be transferred and owners of 40% or more of the taxable value of the property"

17. Page 10, line 14.

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**Following:** "~~OWNERS OF~~"

**Insert:** "the owners of"

18. Page 10, line 14 through line 15.

**Strike:** "REGISTERED" on line 14 through "VOTERS IN" on line 15

**Insert:** "real property in either district and owners of property representing 40% or more of the taxable value in"

19. Page 11, line 6.

**Following:** "~~OWNERS OF THE~~"

**Insert:** "the owners of"

20. Page 11, line 6 through line 7.

**Strike:** "REGISTERED" on line 6 through "IN THE" on line 7

**Insert:** "real property in the area and owners of property representing 40% or more of the taxable value of property in the"

For the Senate:

Lind, Chairman  
Gebhardt  
Hawks

For the House:

McChesney, Chairman  
Ripley  
Stahl

**FREE CONFERENCE COMMITTEE  
on Senate Bill 547  
Report No.1, April 24, 2007**

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 547** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 547** (reference copy -- salmon) be amended as follows:

1. Title, line 14.

**Following:** "45-1-205,"

**Strike:** "45-5-502,"

2. Title, line 15.

**Following:** "46-18-205,"

**Insert:** "46-18-222,"

3. Page 2, line 8.

**Following:** "45-5-502(3)"

**Strike:** "OR (4)"

4. Page 6, line 13.

**Following:** "(c)"

**Insert:** "subject to the provisions of subsection (5),"

5. Page 6, line 14.



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**Following:** "be a"  
**Strike:** "sexual offense or"

6. Page 6, line 15.

**Following:** "as a"  
**Strike:** "sexual or"

7. Page 6, line 16 through line 20.

**Following:** "compliance," on line 16

**Strike:** remainder of line 16 through line 20

**Insert:** "(d) in the case of a delinquent youth who has been adjudicated for a sexual offense, as defined in 46-23-502, and is required to register as a sexual offender pursuant to Title 46, chapter 23, part 5, exempt the youth from the duty to register if the court finds that:

(i) the youth has not previously been found to have committed or been adjudicated for a sexual offense, as defined in 46-23-502; and

(ii) registration is not necessary for protection of the public and that relief from registration is in the public's best interest;"

**Renumber:** subsequent subsections

8. Page 6, line 29.

**Following:** "offense"

**Insert:** ", as defined in 46-23-502"

**Following:** "SHALL"

**Insert:** ":

(a) prior to disposition, order a psychosexual evaluation that must comply with the provisions of 46-18-111;

(b) designate the youth's risk level pursuant to 46-23-509; and

(c)"

9. Page 7, line 7.

**Following:** line 6

**Insert:** "(5) The duration of registration for a youth who is required to register as a sexual or violent offender shall be as provided in 46-23-506, except that the court may, based on specific findings of fact, order a lesser duration of registration."

10. Page 8, line 24 through page 10, line 2.

**Strike:** section 5 in its entirety

**Renumber:** subsequent sections

11. Page 11, line 4 through line 5.

**Following:** "offense" on line 4

**Strike:** remainder of line 4 through "children" on line 5

12. Page 11, line 16 through line 25.

**Strike:** subsection (c) in its entirety

13. Page 12, line 19 through line 20.

**Following:** "offense" on line 19

**Strike:** remainder of line 19 through "children" on line 20

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14. Page 13, line 1 through line 10.

**Strike:** subsection (c) in its entirety

15. Page 13, line 18.

**Following:** "45-5-502(3)"

**Strike:** "or (4)"

16. Page 13, line 22.

**Following:** "45-5-502(3)"

**Strike:** "or (4)"

17. Page 18, line 11 through line 12.

**Following:** "offense" on line 11

**Strike:** remainder of line 11 through "children" on line 12

18. Page 18, line 23 through page 19, line 2.

**Strike:** subsection (c) in its entirety

19. Page 20, line 28.

**Strike:** "45-5-502(4)."

20. Page 23, line 19.

**Strike:** "45-5-502(4)."

21. Page 24, line 15.

**Strike:** "45-5-502(4)."

22. Page 26, line 6.

**Strike:** "45-5-502(4)."

23. Page 26, line 8.

**Following:** line 7

**Insert:** "Section 17. Section 46-18-222, MCA, is amended to read:

**"46-18-222. Exceptions to mandatory minimum sentences ~~and~~ restrictions on deferred imposition and suspended execution of sentence, and restrictions on parole eligibility.** Mandatory minimum sentences prescribed by the laws of this state, mandatory life sentences prescribed by 46-18-219, ~~and~~ the restrictions on deferred imposition and suspended execution of sentence prescribed by 46-18-201(1)(b), 46-18-205, 46-18-221(3), 46-18-224, and 46-18-502(3), and restrictions on parole eligibility do not apply if:

(1) the offender was less than 18 years of age at the time of the commission of the offense for which the offender is to be sentenced;

(2) the offender's mental capacity, at the time of the commission of the offense for which the offender is to be sentenced, was significantly impaired, although not so impaired as to constitute a defense to the prosecution. However, a voluntarily induced intoxicated or drugged condition may not be considered an impairment for the purposes of this subsection.

(3) the offender, at the time of the commission of the offense for which the offender is to be sentenced, was acting under unusual and substantial duress, although not such duress as would constitute a defense to the prosecution;

(4) the offender was an accomplice, the conduct constituting the offense was principally the conduct of another, and the offender's participation was relatively minor;

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(5) in a case in which the threat of bodily injury or actual infliction of bodily injury is an actual element of the crime, no serious bodily injury was inflicted on the victim unless a weapon was used in the commission of the offense; or

(6) the offense was committed under 45-5-502(3), 45-5-503(4), 45-5-507(5), 45-5-601(3), 45-5-602(3), 45-5-603(2)(c), or 45-5-625(4) and the judge determines, based on the findings contained in a sexual offender evaluation report prepared by a qualified sexual offender evaluator pursuant to the provisions of 46-23-509, that treatment of the offender while incarcerated, while in a residential treatment facility, or while in a local community affords a better opportunity for rehabilitation of the offender and for the ultimate protection of the victim and society, in which case the judge shall include in its judgment a statement of the reasons for its determination.""

**Renumber:** subsequent sections

24. Page 26, line 23 through line 26.

**Following:** "assault" on line 23

**Strike:** remainder of line 23 through "CHILDREN" on line 26

25. Page 26, line 29 through line 30.

**Following:** "OFFENSE" on line 29

**Strike:** remainder of line 29 through "CHILDREN" on line 30

26. Page 27, line 4.

**Following:** "children"

**Strike:** "by a sexual predator of children"

27. Page 28, line 18 through line 20.

**Following:** "VICTIM" on line 18

**Strike:** remainder of line 18 through "CHILDREN" on line 20

28. Page 28, line 23 through line 24.

**Following:** "OFFENSE" on line 23

**Strike:** remainder of line 23 through "CHILDREN" on line 24

29. Page 28, line 28.

**Following:** "after"

**Insert:** "an adjudication or"

30. Page 28, line 29.

**Following:** "convicted of"

**Insert:** " or, in youth court, found to have committed or been adjudicated for"

31. Page 29, line 2.

**Following:** "convicted of"

**Insert:** " or, in youth court, found to have committed or been adjudicated for"

32. Page 36, line 27.

**Strike:** "45-5-502(4),"

33. Page 37, line 17.

**Strike:** "45-5-502(4),"

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34. Page 42, line 3.

**Following:** line 2

**Insert:** "NEW SECTION. Section 27. Sexual offender treatment. (1) Upon sentencing a person convicted of a sexual offense, as defined in 46-23-502, the court shall designate the offender as a level 1, 2, or 3 offender pursuant to 46-23-509.

(2) (a) Except as provided in subsection (2)(b), the court shall order an offender convicted of a sexual offense, as defined in 46-23-502, except an offense under 45-5-301 through 45-5-303, and sentenced to imprisonment in a state prison to:

(i) enroll in and successfully complete the educational phase of the prison's sexual offender treatment program;

(ii) if the person has been or will be designated as a level 3 offender pursuant to 46-23-509, enroll in and successfully complete the cognitive and behavioral phase of the prison's sexual offender treatment program; and

(iii) if the person is sentenced pursuant to 45-5-503(4), 45-5-507(5), 45-5-601(3), 45-5-602(3), 45-5-603(2)(c), or 45-5-625(4) and is released on parole, remain in an outpatient sex offender treatment program for the remainder of the person's life.

(b) A person who has been sentenced to life imprisonment without possibility of release may not participate in treatment provided pursuant to this section.

(3) A person who has been ordered to enroll in and successfully complete a phase of a state prison's sexual offender treatment program is not eligible for parole unless that phase of the program has been successfully completed as certified by a sexual offender evaluator to the board of pardons and parole.

(4) (a) Except for an offender sentenced pursuant to 45-5-503(4), 45-5-507(5), 45-5-601(3), 45-5-602(3), 45-5-603(2)(c), or 45-5-625(4), during an offender's term of commitment to the department of corrections or a state prison, the department may place the person in a residential sexual offender treatment program approved by the department under 53-1-203.

(b) If the person successfully completes a residential sexual offender treatment program approved by the department of corrections, the remainder of the term must be served on probation unless the department petitions the sentencing court to amend the original sentencing judgment.

(5) If a person's sentence is suspended pursuant to subsection (4)(b), during the suspended portion of the sentence the person:

(a) shall abide by the standard conditions of probation established by the department of corrections;

(b) shall pay the costs of imprisonment, probation, and any sexual offender treatment if the person is financially able to pay those costs;

(c) may have no contact with the victim or the victim's immediate family unless approved by the victim or the victim's parent or guardian, the person's therapists, and the person's probation officer;

(d) shall comply with all requirements and conditions of sexual offender treatment as directed by the person's sex offender therapist;

(e) may not enter an establishment where alcoholic beverages are sold for consumption on the premises or where gambling takes place;

(f) may not consume alcoholic beverages;

(g) shall enter and remain in an aftercare program as directed by the person's probation officer;

(h) shall submit to random or routine drug and alcohol testing;

(i) may not possess pornographic material or access pornography through the internet; and

(j) at the discretion of the probation and parole officer, may be subject to electronic monitoring or continuous satellite monitoring.

(6) The sentencing of a sexual offender is subject to 46-18-202(2) and 46-18-219.

(7) The sentencing court may, upon petition by the department of corrections, modify a sentence of a sexual offender to impose any part of a sentence that was previously suspended."

**Insert:** "NEW SECTION. Section 28. Codification instruction. [Section 27] is intended to be codified as an

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integral part of Title 46, chapter 18, and the provisions of Title 46, chapter 18, apply to [section 27]."

**Renumber:** subsequent sections

For the Senate:

Laslovich, Chairman  
Moss  
Perry

For the House:

Parker, Chairman  
Morgan  
Sinrud

**CONFERENCE COMMITTEE  
on House Amendments to **Senate Bill 550**  
Report No. 1, April 25, 2007**

Mr. President and Mr. Speaker:

We, your Conference Committee met and considered House amendments to **Senate Bill 550** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **Senate Bill 550** (reference copy -- salmon) be amended as follows:

1. Page 7, line 26.

**Following:** "funding"

**Insert:** ", "

**Following:** "AMOUNT;"

**Insert:** "not to exceed (insert dollar or mill amount),"

2. Page 7, line 30.

**Following:** "funding"

**Insert:** ", "

**Following:** "AMOUNT;"

**Insert:** "not to exceed (insert dollar or mill amount),"

For the Senate:

Juneau, Chairman  
M. Tropila  
Laible

For the House:

Rice, Chairman  
Sonju  
Bergren

**CONFERENCE COMMITTEE  
on Senate Amendments to **House Bill 337**  
Report No. 1, April 24, 2007**

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 337** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 337** (reference copy -- salmon) be amended as follows:

1. Page 1, line 20 through line 21.

**Strike:** "IF THE" on line 20 through "COMPENSATION" on line 21

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2. Page 1, line 22 through line 23.

**Strike:** "WORKERS" on line 22 through "COMPENSATION" on line 23

For the House:

Wells, Chairman  
Kerns  
Cohenour

For the Senate:

Harrington, Chairman  
Gebhardt  
Kitzenberg

**FREE CONFERENCE COMMITTEE  
on House Bill 462  
Report No. 1, April 24, 2007**

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 462** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 462** (reference copy -- salmon) be amended as follows:

1. Page 1, line 24.

**Following:** "OFFICE"

**Insert:** "or as a public service commissioner"

2. Page 1, line 25.

**Strike:** "PERSON" through "ACCOUNT"

**Insert:** "constituent services account may be established"

3. Page 1, line 27.

**Strike:** "or for"

**Insert:** ", "

**Strike:** "state"

**Insert:** "statewide elected"

**Following:** "office"

**Insert:** ", or the public service commission"

4. Page 2, line 25.

**Following:** "STATEWIDE"

**Insert:** "elected"

**Strike:** "OR"

**Insert:** ", "

**Following:** "LEGISLATOR"

**Insert:** ", or public service commissioner"

5. Page 2, line 26.

**Following:** "STATEWIDE"

**Insert:** "elected"

6. Page 2, line 27.

**Strike:** "OR"

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**Insert:** ", "

**Following:** "LEGISLATOR"

**Insert:** ", or public service commissioner"

7. Page 4, line 26.

**Following:** "OFFICE"

**Insert:** "or for public service commissioner"

For the House:

Sands, Chairman  
Sinrud  
Ward

For the Senate:

Williams, Chairman  
Gallus  
Brown

**FREE CONFERENCE COMMITTEE  
on House Bill 829  
Report No. 1, April 24, 2007**

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 829** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 829** (reference copy -- salmon) be amended as follows:

1. Title, lines 9 and 10.

**Following:** "ACCOUNT;" on line 9

**Strike:** remainder of line 9 through "VOIDNESS;" on line 10

2. Page 2, line 9.

**Following:** "the account."

**Insert:** "Up to \$650,000 each fiscal year of interest and earnings on the account must be deposited in the account."

3. Page 2, line 10.

**Following:** "only for"

**Insert:** ":",  
(a)"

4. Page 2, line 16.

**Following:** "Tribe"

**Insert:** "; and

(b) implementation of the water rights compact among the Blackfeet Tribe, the state, and the United States and any associated agreements as may be specified in the compact or agreements"

5. Page 2, line 17.

**Following:** "(3)"

**Insert:** "(a)"

6. Page 2, line 18 through line 19.

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**Following:** "PURPOSES" on line 18

**Strike:** remainder of line 18 through "RESERVATION" on line 19

7. Page 2, line 20.

**Following:** line 19

**Insert:** "(b) The department may expend up to \$650,000 each fiscal year of the interest and income on the escrow account provided for in subsection (4)(b) for the purposes described in subsection (2)(b)."

8. Page 2, line 20.

**Following:** "(4)"

**Insert:** "(a)"

9. Page 2, line 22.

**Following:** line 21

**Insert:** "(b) The amount of \$10 million in this account must be held in escrow. The department shall negotiate the terms of an escrow agreement."

10. Page 2, line 20.

**Strike:** "\$2.5"

**Insert:** "\$4.5"

**Strike:** "fund"

**Insert:** "account"

11. Page 3, line 16.

**Following:** "(1)"

**Insert:** "(a)"

12. Page 3, line 19.

**Following:** "(3)"

**Insert:** "(a)"

13. Page 3, line 20.

**Following:** line 19

**Insert:** "(b) Up to \$650,000 each fiscal year of the interest and income on the escrow account provided for in [section 2] is appropriated to the department for the purposes described in [section 2(2)(b)]."

14. Page 3, line 29 through line 30.

**Strike:** section 8 in its entirety

**Renumber:** subsequent sections

For the House:

L. Jones, Chairman  
Barrett  
Augare

For the Senate:

Laslovich, Chairman  
Juneau  
Black

**MESSAGES FROM THE GOVERNOR**



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April 24, 2007

The Honorable Scott Sales  
Speaker of the House  
State Capitol  
Helena, MT 59620

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, MT 59620

Dear Speaker Sales and President Cooney:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments House Bill (HB) 768, "AN ACT REVISING THE LAW RELATED TO OSTENSIBLE AGENCY; AND AMENDING SECTION 28-10-103, MCA." My proposed amendment is intended to clarify the purpose of the bill and not change it.

HB 768 amends current law that addresses the liability of a health care provider in a malpractice claim. Current law grants the health care provider immunity for "ostensible agents" of the health care provider, so long as the health care provider ensures that persons providing independent professional services have adequate insurance coverage. HB 768 requires insurance coverage "for the length of time provided for in 27-2-205." Section 27-2-205, sets forth the statute of limitations for medical malpractice claims, and contains various time limits depending on the facts of the case. My amendment states that the insurance coverage be of the same duration as the time within which a malpractice lawsuit may be brought under 27-2-205, so as to clarify the requirement contained in the bill.

I have discussed my proposed amendment with the sponsor of the bill, Representative Gallik, who has expressed his support.

Sincerely,

BRIAN SCHWEITZER  
GOVERNOR

April 24, 2007

The Honorable Scott Sales  
Speaker of the House  
State Capitol  
Helena, MT 59620

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, MT 59620

Dear Speaker Sales and President Cooney:

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In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments House Bill (HB) 583, "AN ACT GENERALLY REVISING THE OPENCUT MINING ACT; AMENDING DEFINITIONS AND TERMINOLOGY; EXPANDING EXEMPTIONS; PROVIDING FOR SUSPENSION AND REVOCATION ORDERS; ELIMINATING APPLICATION FEES; REVISING APPEAL PROVISIONS; AMENDING SECTIONS 82-4-402, 82-4-403, 82-4-406, 82-4-422, 82-4-424, 82-4-425, 82-4-426, 82-4-427, 82-4-431, 82-4-432, 82-4-433, 82-4-434, 82-4-436, AND 82-4-441, MCA; AND REPEALING SECTIONS 82-4-421 AND 82-4-423, MCA."

HB 583 generally revises and modernizes Montana's Opencut Mining Act and provides for more effective administration and enforcement. My proposed amendment would disallow opencut operations within 1 mile of a national park, national monument, or national battlefield if it is determined that the operation would have an adverse impact on the park, monument, or battlefield. The amendment protects against unconstitutional takings and contains a "grandfather" clause so as not to effect current valid opencut permits.

Our national parks, monuments, and battlefields are an important part of our history, culture, and identity as Montanans and Americans. Furthermore, these resources contribute significantly to Montana's economy, and maintaining high quality visitor experience will assist in these contributions.

I have discussed my proposed amendment with the sponsor of the bill, Representative Jopek, who has expressed his support.

Sincerely,

BRIAN SCHWEITZER  
GOVERNOR

**MESSAGES FROM THE OTHER HOUSE**

Conference Committee Report No.1 adopted: 4/25/2007

**SB 227**, introduced by Laslovich

**Free** Conference Committee Report No.1 **not** adopted: 4/25/2007

**SB 118**, introduced by Cobb

**Governor's amendments to Senate bill not** concurred in and returned to the Senate: 4/24/2007

**SB 537**, introduced by Brown

**HJR 56**, introduced by Sands, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and was transmitted to the Senate with the following vote:

4/25/2007

Yeas - 60

Nays - 37

**Governor's amendments to House bill** concurred in and transmitted to the Senate for concurrence in the Governor's amendments:

4/25/2007

**HB 353**, introduced by McGillvray

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**Governor's amendments to House bill** concurred in and transmitted to the Senate for concurrence in the Governor's amendments:

4/25/2007

**HB 729**, introduced by Raser

**Governor's amendments to Senate bill** concurred in and returned to the Senate:

4/25/2007

**SB 168**, introduced by Jent

**SB 206**, introduced by Cobb, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and was transmitted to the Senate with the following vote:

4/25/2007

Yeas - 78

Nays - 21

**Senate bill** concurred in and returned to the Senate:

4/25/2007

**SB 201**, introduced by Laible

**MOTIONS**

**SEN. CHRISTINE KAUFMANN, SD 41, HELENA** moved to take **HB 577** out of Finance and Claims Committee and placed on second reading this 88th Legislative day. Motion carried as follows:

Yeas: Brueggeman, Cocchiarella, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Pease, Perry, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 28

Nays: Bales, Balyeat, Barkus, Black, Brown, Cobb, Curtiss, Elliott, Esp, Essmann, Gebhardt, Jackson, Lind, McGee, Murphy, O'Neil, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SEN. LARRY JENT, SD 32, BOZEMAN** moved to take **HB 491** off the table in Judiciary Committee and placed on second reading this 88th Legislative day. Motion **failed** as follows:

Yeas: Balyeat, Barkus, Black, Brown, Esp, Gebhardt, Jent, Laible, McGee, O'Neil, Perry, Smith, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila.

Total 18

Nays: Bales, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington,

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Hawks, Jackson, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Peterson, Ryan, Schmidt, Shockley, Squires, Wanzenried, Weinberg, Williams, Mr. President.  
Total 32

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SEN. VICKI COCCHIARELLA, SD 47, HELENA** moved to take **HB 368** out of Finance and Claims Committee and placed on second reading this 88th Legislative day. Motion carried as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 47

Nays: Balyeat, Hansen, O'Neil.  
Total 3

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SEN. CAROLYN SQUIRES, SD 48, MISSOULA** moved to Suspend the Rules and accept **HJ 46**. Motion carried as follows:

Yeas: Bales, Balyeat, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 45

Nays: Barkus, Esp, Jackson, Laslovich, McGee.  
Total 5

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** moved to dissolve the conference committee and appoint a free conference committee on **HB 830**. The President appoints Senator Cooney as chair and Senators Schmidt and Brueggeman. House appoints Representatives Kasten, Sinrud, Thomas. Motion carried unanimously.

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Agenda #2 - 4:00 p.m.

**SEN. DANIEL MCGEE, SD 29, LAUREL** moved to take **HB 491** off the table in Judiciary Committee and placed on second reading the 89th Legislative day. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Jent, Laible, Lewis, Lind, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila.  
Total 28

Nays: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Moss, Pease, Ryan, Schmidt, Smith, Squires, Wanzenried, Weinberg, Williams, Mr. President.  
Total 22

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** moved to Suspend the Rules allowing **HB 368** to be placed on third reading this 88th Legislative day. Motion carried as follows:

Yeas: Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 46

Nays: Bales, Balyeat, Hansen, Shockley.  
Total 4

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** moved to dissolve the conference committee and appoint a free conference committee on **SB 316**. The president appointed Senator Elliott as chair and Senators Harrington and Peterson. Motion carried unanimously.

**FIRST READING AND COMMITMENT OF BILLS**

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 46**, introduced by Sands, referred to State Administration.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

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Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Ryan in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 828** - Senator Lind moved **HB 828** be concurred in. Motion carried as follows:

Yeas: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Perry, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 28

Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 21

Absent or not voting: Brueggeman.

Total 1

Excused: None.

Total 0

**HJR 57** - Senator Weinberg moved **HJR 57** be concurred in. Motion carried as follows:

Yeas: Black, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 27

Nays: Bales, Balyeat, Barkus, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash.

Total 23

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HJR 47** - Senator Murphy moved **HJR 47** be concurred in. Motion carried with Senator Jackson, McGee, Brown voting nay.

**HJR 48** - Senator Esp moved **HJR 48** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr.

President.

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Total 48

Nays: O'Neil, Stapleton.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HJR 52** - Senator O'Neil moved **HJR 52** be concurred in. Motion carried unanimously.

**HB 160 - Conference Committee Report No. 1** - Senator Laible moved the Conference Committee report to **HB 160** be adopted. Motion **failed** as follows:

Yeas: Bales, Cobb, Cocchiarella, Elliott, Gebhardt, Harrington, Hawks, Kaufmann, Laible, Laslovich, Lewis, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Shockley, Williams.

Total 19

Nays: Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gallus, Gillan, Hansen, Jackson, Jent, Juneau, Kitzenberg, Larson, Lind, McGee, Moss, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Mr. President.

Total 31

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 304 - Conference Committee Report No. 1** - Senator Perry moved the Conference Committee report to **HB 304** be adopted. Motion carried as follows:

Yeas: Balyeat, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Perry, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Williams, Mr. President.

Total 39

Nays: Bales, Barkus, Black, Curtiss, McGee, Murphy, O'Neil, Story, Wanzenried, Weinberg.

Total 10

Absent or not voting: Peterson.

Total 1

Excused: None.

Total 0

**HB 715 - Free Conference Committee Report No. 1** - Senator Wanzenried moved the Free Conference

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Committee report to **HB 715** be adopted. Motion carried with Senator Balyeat, Esp, McGee, Bales, Brown voting nay.

**SB 51 - Free Conference Committee Report No. 1** - Senator Hawks moved the Free Conference Committee report to **SB 51** be adopted. Motion carried with Senator Balyeat, Curtiss, O'Neil, Jackson, McGee voting nay.

**SB 96 - Conference Committee Report No. 1** - Senator Williams moved the Conference Committee report to **SB 96** be adopted. Motion carried unanimously.

**SB 118 - Free Conference Committee Report No. 1** - Senator Cobb moved the Free Conference Committee report to **SB 118** be adopted. Motion carried unanimously.

**SB 276 - Free Conference Committee Report No. 1** - Senator Steinbeisser moved the Free Conference Committee report to **SB 276** be adopted. Motion carried with Senator Squires, O'Neil voting nay.

**SB 524 - House Amendments** - Senator Wanzenried moved House amendments to **SB 524** be concurred in. Motion carried unanimously.

Senator Williams moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Ryan moved the Committee of the Whole report be adopted. Report adopted unanimously.

Senate recessed at 12:28 p.m. and reconvened at 4:00 p.m.

Roll Call. All Senators present. Quorum present.

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 41

Nays: Balyeat, Brown, Esp, Gebhardt, Jackson, Lind, McGee, O'Neil, Shockley.  
Total 9

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Ryan in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 368** - Senator Cocchiarella moved **HB 368** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann,



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Gallus, Gebhardt, Gillan, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: Hansen.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 577** - Senator Kaufmann moved **HB 577** be concurred in. Motion carried as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 30

Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Esp, Essmann, Gebhardt, Jackson, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 20

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Ryan moved the Committee of the Whole report be adopted. Report adopted unanimously.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 227** conference committee report adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

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Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HJR 61** concurred in as follows:

Yeas: Bales, Black, Brueggeman, Cobb, Cocchiarella, Elliott, Essmann, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 39

Nays: Balyeat, Barkus, Brown, Curtiss, Esp, Gallus, Jackson, McGee, Murphy, O'Neil, Shockley.

Total 11

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 27** Governor's amendments adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 304** conference committee report adopted as follows:

Yeas: Bales, Balyeat, Barkus, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

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Total 45

Nays: Black, Curtiss, McGee, Murphy, O'Neil.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 715** free conference committee report adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 48

Nays: McGee, O'Neil.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 51** free conference committee report adopted as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 41

Nays: Balyeat, Curtiss, Esp, Gebhardt, Jackson, McGee, O'Neil, Steinbeisser, Story.

Total 9

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 96** conference committee report adopted as follows:

Yeas: Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson,

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Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 45

Nays: Bales, Esp, McGee, O'Neil, Story.  
Total 5

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 118** free conference committee report adopted as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 46

Nays: Balyeat, Esp, Essmann, McGee.  
Total 4

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 276** free conference committee report adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, O'Neil, Pease, Peterson, Ryan, Schmidt, Shockley, Smith, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 43

Nays: Esp, Kaufmann, Lind, McGee, Perry, Squires, Stapleton.  
Total 7

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 368** concurred in as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus,

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Gebhardt, Gillan, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 48

Nays: Balyeat, Hansen.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SPECIAL ORDERS OF THE DAY**

Musician and song writer, Ken Overcast, sang the Montana Lullaby for the Senate.

Farewell good-byes by termed out Senators Cocchiarella and Kitzenberg.

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 11:00 a.m., Friday, April 27, 2007. Motion carried.

Senate adjourned at 5:17 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

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Helena, Montana  
April 26, 2007

Senate Chambers  
State Capitol

Senate convened at 11:00 a.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 41

Nays: Balyeat, Brown, Gebhardt, Jackson, Lind, McGee, O'Neil, Shockley.  
Total 8

Absent or not voting: None.  
Total 0

Excused: Story.  
Total 1

**REPORTS OF SELECT COMMITTEES**

**CONFERENCE COMMITTEE  
on Senate Amendments to **House Bill 116****

Report No. 1, April 25, 2007

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 116** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 116** (reference copy -- salmon) be amended as follows:

1. Title, line 20.

**Following:** "DATE"

**Insert:** "AND A TERMINATION DATE"

2. Page 15, line 27.

**Following:** "submit"

**Strike:** ", as" through "17-7-111,"

**Insert:** "to the legislative finance committee"

**Following:** "complete"

**Insert:** "annual"

3. Page 15, line 29.

**Following:** "report"

**Insert:** "by September 15 following the end of the fiscal year"

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4. Page 21, line 29 through page 22, line 1.

**Strike:** line 29 through page 22, line 1

5. Page 39, line 1 through line 3.

**Strike:** subsection (1) in its entirety

**Insert:** "(1) For the biennium beginning July 1, 2007, the department of administration shall transfer \$500,000 from the general fund as follows:

(a) \$346,145 to the orphan share fund as provided for in 75-10-743; and

(b) \$153,855 to the environmental contingency account as provided for in 75-1-1101."

6. Page 39, line 16.

**Following:** line 15

**Insert:** "NEW SECTION. **Section 33. Termination.** [Section 9] terminates June 30, 2009. "

For the House:

Ripley, Chairman  
Jore  
Witte

For the Senate:

Wanzenried, Chairman  
Laible  
M. Tropila

CONFERENCE COMMITTEE  
on Senate Amendments to **House Bill 160**  
Report No. 1, April 26, 2007

Mr. Speaker and Mr. President:

We, your Conference Committee met and considered Senate amendments to **House Bill 160** (reference copy -- salmon) and recommend this Conference Committee report be adopted.

And, recommend that **House Bill 160** (reference copy -- salmon) be amended as follows:

1. Page 1, line 12.

**Strike:** "\$446,987"

**Insert:** "\$822,774.07"

2. Page 1, line 13.

**Following:** "interest"

**Insert:** "plus interest"

3. Page 1, line 19.

**Following:** "interest"

**Insert:** "plus interest"

4. Page 1, line 22.

**Strike:** "\$5.40"

**Insert:** "\$5.94"

5. Page 1, line 23.

**Strike:** "\$14,242.87"

**Insert:** "\$14,500.19"

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6. Page 1, line 24.

**Strike:** "\$737.95"

**Insert:** "\$761.97"

7. Page 1, line 25.

**Strike:** "\$5,881.98"

**Insert:** "\$6,060.68"

8. Page 1, line 26 through line 28.

**Strike:** lines 26 through 28 in their entirety

**Renumber:** subsequent subsections

9. Page 1, line 29.

**Strike:** "STATE SPECIAL REVENUE FUND"

**Strike:** "\$9.26"

**Insert:** "\$10.40"

10. Page 1, line 30.

**Strike:** "STATE SPECIAL REVENUE FUND"

11. Page 2, line 1.

**Strike:** "\$17.06"

**Insert:** "\$19.24"

12. Page 2, line 2.

**Following:** "SCHOOLS"

**Insert:** "common schools"

**Strike:** "STATE SPECIAL REVENUE FUND"

13. Page 2, line 3.

**Strike:** "CAPITOL LAND GRANT PROJECTS FUND ("

**Following:** "BUILDINGS"

**Strike:** ")"

**Strike:** "\$25,848.25"

**Insert:** "\$29,149.38"

14. Page 2, line 12.

**Strike:** "TRANSFERRED"

**Insert:** "appropriated"

15. Page 2, line 13.

**Following:** the first "SCHOOLS"

**Insert:** "common schools"

**Strike:** "STATE SPECIAL REVENUE FUND"

16. Page 2, line 14.

**Following:** line 13

**Insert:** "common schools"



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For the House:

Stoker, Chairman  
Musgrove  
Ripley

For the Senate:

Wanzenried, Chairman  
Hawks  
Laible

**FREE CONFERENCE COMMITTEE**  
on **House Bill 592**  
Report No. 1, April 25, 2007

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 592** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 592** (reference copy -- salmon) be amended as follows:

1. Page 1, line 14 through line 15.

**Following:** "signs." on line 14

**Strike:** remainder of line 14 through line 15

For the House:

Wilson, Chairman  
McGillvray  
Klock

For the Senate:

Schmidt, Chairman  
M. Tropila  
Steinbeisser

CONFERENCE COMMITTEE  
on House Amendments to **Senate Bill 316**

Report No. 1, April 26, 2007

Mr. President and Mr. Speaker:

We, your Free Conference Committee met and considered **Senate Bill 316** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **Senate Bill 316** (reference copy -- salmon) be amended as follows:

1. Title, line 9.

**Following:** "AN"

**Insert:** "IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE"

2. Page 3, line 20.

**Insert:** "COORDINATION SECTION. **Section 2. Coordination instruction.** If House Bill No. 488 and [this act] are both passed and approved, then [section 2] of House Bill No. 488 relating to the appropriation for the study of the revaluation of certain property, including agricultural land, must read as follows:

"NEW SECTION. **Section 2. Appropriation.** There is appropriated \$50,000 from the general fund to the legislative services division for the 2009 biennium for the operating expenses and personnel expenses related to the study required by [section 1] of House Bill No. 488."

**Insert:** "NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval."

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**Renumber:** subsequent section

3. Page 3, line 21.

**Following:** "Applicability"

**Insert:** "-- retroactive applicability"

4. Page 3, line 25.

**Following:** "applies"

**Insert:** "retroactively, within the meaning of 1-2-109,"

For the Senate:

Elliott, Chairman  
Harrington  
Peterson

For the House:

Mendenhall, Chairman  
Lambert  
Jopek

**MESSAGES FROM THE GOVERNOR**

April 26, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 89** sponsored by Senator Williams on April 26, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 26, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 95** sponsored by Senator Smith on April 26, 2007.

Sincerely,

BRIAN SCHWEITZER

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Governor

April 26, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 102** sponsored by Senator Lind on April 26, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 26, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 114** sponsored by Senator Larson on April 26, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 26, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 132** sponsored by Senator Gallus on April 26, 2007.

Sincerely,

BRIAN SCHWEITZER

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Governor

April 26, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 246** sponsored by Senator Gallus on April 26, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 26, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 339** sponsored by Senator Murphy on April 26, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 26, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 406** sponsored by Senator Bales on April 26, 2007.

Sincerely,

BRIAN SCHWEITZER

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Governor

April 26, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 422** sponsored by Senator Gebhardt on April 26, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 26, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 532** sponsored by Senator Gallus on April 26, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 26, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 544** sponsored by Senator Hansen on April 26, 2007.

Sincerely,

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BRIAN SCHWEITZER  
Governor

April 26, 2007

The Honorable Scott Sales  
Speaker of the House  
State Capitol  
Helena, MT 59620

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, MT 59620

Dear Speaker Sales and President Cooney:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments House Bill (HB) 406, "AN ACT EXPANDING ACCESS TO HEALTH CARE SERVICES BY ESTABLISHING A GRANT PROGRAM FOR COMMUNITY HEALTH CENTERS; CREATING AN ADVISORY GROUP; REQUIRING A REPORT TO THE LEGISLATURE; TRANSFERRING GENERAL FUND MONEY; PROVIDING AN APPROPRIATION; AND PROVIDING AN EFFECTIVE DATE."

HB 406 establishes a grant program for local community health centers, to be administered by the Department of Public Health and Human Services (DPHHS). The bill appropriates \$650,000 from the general fund for each year of the biennium to DPHHS to be allocated to communities. However, the bill neglects to direct any appropriations to DPHHS for the costs incurred in administering the program, such as setting up the program, establishing a grant process, determining federal eligibility requirements, staffing the advisory committee established in the bill, or paying the travel and reimbursement expenses of the advisory committee.

My proposed amendment authorizes DPHHS to spend up to .5% of the amount appropriated to cover its administrative expenses.

Sincerely,

BRIAN SCHWEITZER  
GOVERNOR

April 26, 2007

The Honorable Scott Sales  
Speaker of the House  
State Capitol  
Helena, MT 59620

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, MT 59620

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Dear Speaker Sales and President Cooney:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments House Bill (HB) 683, "AN ACT PROVIDING THAT A FULL GUARDIAN MAY NOT CONSENT TO THE WITHHOLDING OR WITHDRAWAL OF LIFE SUSTAINING TREATMENT OR TO A DO NOT RESUSCITATE ORDER IF THE GUARDIAN DOES NOT HAVE CONSENT AUTHORITY PURSUANT TO THE MONTANA RIGHTS OF THE TERMINALLY ILL ACT, THE LAWS PROVIDING FOR DO NOT RESUSCITATE ORDERS, OR A COURT ORDER; AND AMENDING SECTIONS 50-9-106 AND 72-5-321, MCA."

HB 683 codifies current practice that a guardian of an incapacitated person may not withhold or withdraw life sustaining treatment absent a legal written advanced directive under the Montana Rights of the Terminally Ill Act and the do not resuscitate provisions of Montana law. HB 683 clarifies that absent a written directive, the guardian must petition a court for permission to withdraw treatment. My proposed amendment is intended to clarify that the standard employed by the court when acting on a petition under the guardianship laws is the same as the standard the court employs under the Montana Rights of the Terminally Ill Act.

I have discussed my proposed amendment with the sponsor of the bill, Representative Reinhart, who has expressed her support.

Sincerely,

BRIAN SCHWEITZER  
GOVERNOR

**MESSAGES FROM THE OTHER HOUSE**

**Free** Conference Committee Report No.1 adopted: 4/26/2007

**SB 51**, introduced by Hawks

**Senate bill** concurred in as amended and returned to the Senate for concurrence in House amendments: 4/26/2007

**SB 161**, introduced by Laible

**Governor's amendments to House bill** concurred in and returned to the Senate: 4/26/2007

**HB 768**, introduced by Gallik

**HB 818** - The House failed to concur in Senate amendments to **HB 818**, authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 818**:

4/26/2007

Representative , Chair  
Representative

**HB 818** - The House acceded to the request of the Senate and authorized the Speaker to appoint the following Conference Committee to meet with a like committee from the Senate to confer on House amendments to **HB 818**:

4/26/2007

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Representative Sinrud, Chair  
Representative Taylor  
Representative Bergren

**SB 316** - The House acceded to the request of the Senate and authorized the Speaker to appoint the following **Free** Conference Committee to meet with a like committee from the Senate to confer on **SB 316**:

4/26/2007

Representative Mendenhall, Chair  
Representative Lambert  
Representative Jopek

Conference Committee Report No.1 adopted:

4/26/2007

**HB 304**, introduced by Furey

**Free** Conference Committee Report No.1 adopted:

4/26/2007

**HB 337**, introduced by Cohenour

**Free** Conference Committee Report No.1 adopted:

4/26/2007

**HB 462**, introduced by Sands

**Free** Conference Committee Report No.1 adopted:

4/26/2007

**HB 715**, introduced by Olson

**Free** Conference Committee Report No.1 adopted:

4/26/2007

**HB 829**, introduced by L. Jones

Conference Committee Report No.1 adopted:

4/26/2007

**SB 96**, introduced by Williams

**Free** Conference Committee Report No.1 adopted:

4/26/2007

**SB 276**, introduced by Steinbeisser

**Free** Conference Committee Report No.1 adopted:

4/26/2007

**SB 51**, introduced by Hawks

**Senate bill** passed and transmitted to the Senate for concurrence:

4/26/2007

**SB 115**, introduced by Jent

**Senate bill** passed and transmitted to the Senate for concurrence:

4/26/2007

**SB 166**, introduced by J. Tropila



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**Senate bill** passed and transmitted to the Senate for concurrence: 4/26/2007

**SB 273**, introduced by Jent

**Senate bill** passed and transmitted to the Senate for concurrence: 4/26/2007

**SB 417**, introduced by Brown

**Senate joint resolution** passed and transmitted to the Senate for concurrence: 4/26/2007

**SJR 23**, introduced by Harrington

**Senate bill** concurred in and returned to the Senate: 4/26/2007

**SB 206**, introduced by Cobb

**Senate bill** concurred in and returned to the Senate: 4/26/2007

**SB 69**, introduced by Wanzenried

**MOTIONS**

**SEN. DANIEL MCGEE, SD 29, LAUREL** moved to Suspend the Rules on **HB 491** and place it on third reading this 89th Legislative day. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Hawks, Jackson, Jent, Laible, Lewis, McGee, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Weinberg.

Total 28

Nays: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Murphy, Pease, Ryan, Schmidt, Smith, Squires, Wanzenried, Williams, Mr. President.

Total 22

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SEN. RICK LAIBLE, SD 44, DARBY** moved to Suspend the Rules on **HB 161** and place it on second reading this 89th Legislative day. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley,

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Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams,  
Mr. President.

Total 49

Nays: Gallus.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SEN. CAROL WILLIAMS, SD 46, MISSOULA** moved the appointment of a Conference Committee on **HB 818**. The President appoints Senator Larson, Chair, Senators Wanzenried and Laible. Motion carried unanimously.

**SEN. DAVID WANZENRIED, SD 49, MISSOULA** moved to Suspend the Rules to transfer **SB 69** out of the House and brought to the Senate and placed on second reading this 89th Legislative day. Motion carried as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 46

Nays: Balyeat, Esp, McGee, O'Neil.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SEN. AUBYN CURTISS, SD 1, FORTINE** moved to transfer **HJR 31** out of Committee and placed on second reading the 89th Legislative day. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Kitzenberg, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash, J.Tropila.  
Total 26

Nays: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 24

Absent or not voting: None.

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Total 0

Excused: None.

Total 0

**SEN. KIM GILLAN, SD 24, BILLINGS** moved to place **SB 393** on second reading this 89th Legislative day.  
Motion carried as follows:

Yeas: Bales, Balyeat, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Gillan, Harrington, Hawks, Jent, Juneau, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, O'Neil, Pease, Peterson, Ryan, Schmidt, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 40

Nays: Barkus, Gallus, Hansen, Jackson, Kaufmann, McGee, Murphy, Perry, Shockley.

Total 9

Absent or not voting: None.

Total 0

Excused: Stapleton.

Total 1

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Elliott in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 491** - Senator Shockley moved **HB 491**, second reading copy, be amended as follows:

1. Page 1, line 12 through line 14.

**Strike:** subsection (1) in its entirety

**Renumber:** subsequent subsections

2. Page 1, line 18.

**Strike:** "UP TO 18"

**Insert:** "under 16"

**Following:** "AGE"

**Strike:** "OR YOUNGER"

3. Page 1, line 28.

**Following:** "OR DEFENSE."

**Strike:** "(1)"

**Following:** the second "OR DEFENSE"

**Insert:** "if the defense intends to call a child witness other than the victim in its case in chief"

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4. Page 2, line 1 through line 3.

**Strike:** subsection (2) in its entirety

5. Page 2, line 8.

**Following:** "SECTION 2"

**Strike:** "(1)"

6. Page 2, line 9.

**Following:** "SECTION 2"

**Strike:** "(1)"

7. Page 2, line 16 through line 18.

**Following:** "offense" on line 16

**Strike:** remainder of line 16 through "crime" on line 18

8. Page 2, line 20 through line 24.

**Following:** "proceeding" on line 20

**Strike:** remainder of line 20 through "family." on line 24

**Insert:** ";

9. Page 2, line 28 through line 29.

**Following:** "OF" on line 28

**Strike:** remainder of line 28 through "limited to" on line 29

10. Page 2, line 29.

**Following:** "psychologists"

**Strike:** "or counselors"

11. Page 2, line 29 through line 30.

**Following:** "witness" on line 29

**Strike:** remainder of line 29 through "ad litem" on line 30

12. Page 3, line 1 through line 7.

**Strike:** subsection (5) through subsection (6) in their entirety

13. Page 3, line 28.

**Strike:** subsection (e) in its entirety

**Renumber:** subsequent subsections

14. Page 4, line 4 through line 14.

**Strike:** subsection (4) through subsection (5) in their entirety

**Renumber:** subsequent subsections

15. Page 4, line 18 through line 25.

**Strike:** subsection (7) through subsection (8) in their entirety

Amendment adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson,

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Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 49

Nays: Gallus.  
Total 1

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 491** - Senator McGee moved **HB 491**, as amended, be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Elliott, Esp, Essmann, Gebhardt, Hawks, Jackson, Jent, Laible, Larson, Lewis, Lind, McGee, O'Neil, Perry, Peterson, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg.  
Total 33

Nays: Cocchiarella, Gallus, Gillan, Hansen, Harrington, Juneau, Kaufmann, Kitzenberg, Laslovich, Moss, Murphy, Pease, Ryan, Schmidt, Squires, Williams, Mr. President.  
Total 17

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HJR 46** - Senator J. Tropila moved **HJR 46** be concurred in. Motion carried unanimously.

**HB 829 - Free Conference Committee Report No. 1** - Senator Laslovich moved the Free Conference Committee report to **HB 829** be adopted. Motion carried unanimously.

**HB 353** - Senator Shockley moved consideration of **HB 353** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**HB 337 - Conference Committee Report** - Senator \_\_\_\_\_ moved the Conference Committee report to **HB 337** be adopted. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 462 - Free Conference Committee Report No. 1** - Senator Williams moved the Free Conference Committee report to **HB 462** be adopted. Motion carried as follows:

Yeas: Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Perry, Schmidt, Smith, Squires, Steinbeisser, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 36

Nays: Bales, Balyeat, Curtiss, Esp, Gebhardt, McGee, Murphy, O'Neil, Peterson, Ryan, Shockley, Story, Tash.  
Total 13

Absent or not voting: None.  
Total 0

Excused: Stapleton.  
Total 1

**HB 729 - Governor's Amendments** - Senator Squires moved Governor's amendments to **HB 729** be concurred in. Motion carried unanimously.

Senator Williams moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Elliott moved the Committee of the Whole report be adopted. Report adopted unanimously.

4:09 p.m. Senate reconvenes.

Roll Call. All Senators present. Quorum present.

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 42

Nays: Balyeat, Brown, Gebhardt, Jackson, Lind, McGee, O'Neil, Shockley.  
Total 8

Absent or not voting: None.  
Total 0

Excused: None.

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Total 0

Senator Williams moved the committee rise, report progress, and beg leave to sit again. Motion carried.  
Committee arose. Senate resumed. President Cooney in the chair. Chairman Elliott moved the Committee of the Whole report be adopted. Report adopted unanimously.

**SB 25 - Conference Committee Report No. 1** - Senator Larson moved the Conference Committee report to **SB 25** be adopted. Motion carried unanimously.

**SB 103 - Conference Committee Report No. 1** - Senator Lind moved the Conference Committee report to **SB 103** be adopted. Motion carried with Senator Juneau voting nay.

**SB 547 - Free Conference Committee Report No. 1** - Senator Perry moved the Free Conference Committee report to **SB 547** be adopted. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Elliott, Essmann, Gillan, Hawks, Jackson, Jent, Juneau, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Williams, Mr. President.

Total 39

Nays: Cobb, Cocchiarella, Esp, Gallus, Gebhardt, Hansen, Harrington, Kaufmann, Moss, Ryan, Weinberg.

Total 11

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senate in recess.

Senate reconvened at 7:30 p.m.

Roll Call. Senator Stapleton excused. Quorum present.

Yeas: Cobb, Curtiss, Esp, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Perry, Peterson, Schmidt, Smith, Squires, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 29

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Elliott, Essmann, Gallus, Gebhardt, Jackson, Lind, McGee, Murphy, O'Neil, Pease, Ryan, Shockley, Steinbeisser.

Total 20

Absent or not voting: None.

Total 0

Excused: Stapleton.

Total 1

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Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Elliott in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 550 - Conference Committee Report No. 1** - Senator Laible moved the Conference Committee report to **SB 550** be adopted. Motion carried with Senator Lind voting nay.

**HB 353 - Governor's Amendments** - Senator Shockley moved Governor's amendments to **HB 353** be concurred in. Motion carried unanimously.

**SB 161 - House Amendments** - Senator Laible moved House amendments to **SB 161** be concurred in. Motion carried unanimously.

**SB 69 - House Amendments** - Senator Wanzenried moved House amendments to **SB 69** be concurred in. Motion carried with Senator McGee voting nay.

**HJR 31** - Senator Curtiss moved **HJR 31** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Jackson, Kitzenberg, Laible, Larson, Lewis, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Shockley, Smith, Steinbeisser, Story, Tash, J.Tropila.

Total 30

Nays: Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Laslovich, Lind, Moss, Ryan, Schmidt, Squires, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 19

Absent or not voting: None.

Total 0

Excused: Stapleton.

Total 1

**SB 393 as amended by the House** - Senator Gillan moved **SB 393** be concurred in. Motion carried as follows:

Yeas: Bales, Balyeat, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Essmann, Gebhardt, Gillan, Harrington, Hawks, Jent, Juneau, Kitzenberg, Laible, Larson, Laslovich, Lewis, McGee, Moss, O'Neil, Pease, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Mr. President.

Total 37

Nays: Barkus, Black, Curtiss, Gallus, Hansen, Jackson, Kaufmann, Lind, Murphy, Perry, Shockley, Tash, Williams.

Total 13

Absent or not voting: None.

Total 0

Excused: None.



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Total 0

Senator Williams moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Elliott moved the Committee of the Whole report be adopted. Report adopted unanimously.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 828** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 46

Nays: Brown, Jackson, McGee, Steinbeisser.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HJR 57** concurred in as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Pease, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 31

Nays: Bales, Balyeat, Barkus, Black, Brown, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, McGee, Murphy, O'Neil, Perry, Stapleton, Steinbeisser, Story, Tash.

Total 19

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HJR 47** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

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Total 47

Nays: Brown, Jackson, McGee.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HJR 48** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HJR 52** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 44

Nays: Black, Esp, Jackson, McGee, Shockley, Story.

Total 6

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 524** house amendments be concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith,

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Squires, Stapleton, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 47

Nays: Esp, McGee, Steinbeisser.  
Total 3

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 577** concurred in as follows:

Yeas: Brueggeman, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 29

Nays: Bales, Balyeat, Barkus, Black, Brown, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 21

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 829** free conference committee report be adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 337** conference committee report be adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible,

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Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 462** free conference committee report be adopted as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Perry, Schmidt, Smith, Squires, Stapleton, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 39

Nays: Balyeat, Cobb, Esp, Gebhardt, McGee, Murphy, O'Neil, Peterson, Ryan, Shockley, Steinbeisser.  
Total 11

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 25** conference committee report adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 103** conference committee report be adopted as follows:

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Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 547** free conference committee report adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cocchiarella, Curtiss, Elliott, Essmann, Gillan, Hawks, Jackson, Jent, Juneau, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Murphy, Perry, Peterson, Schmidt, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Williams, Mr. President.

Total 37

Nays: Cobb, Esp, Gallus, Gebhardt, Hansen, Harrington, Kaufmann, Moss, O'Neil, Pease, Ryan, Smith, Weinberg.

Total 13

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 550** conference committee report adopted as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Williams, Mr. President.

Total 45

Nays: Balyeat, Lind, McGee, Wanzenried, Weinberg.

Total 5

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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**SPECIAL ORDERS OF THE DAY**

**SEN. VICKI COCCHIARELLA, SD 47, HELENA** read a tribute to Stephen Maly.

Senate convened at 9:00 a.m.

Roll Call. Senators Ryan, Gillan, McGee excused. Quorum present.

Yeas: Bales, Barkus, Black, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Moss, Murphy, Pease, Perry, Peterson, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 39

Nays: Balyeat, Brown, Cobb, Essmann, Gebhardt, Lind, O'Neil, Shockley.

Total 8

Absent or not voting: None.

Total 0

Excused: Gillan, McGee, Ryan.

Total 3

Recess 9:11 a.m. until 10:30 a.m.

Roll Call. Senators Lewis, Cobb excused. Quorum present.

Yeas: Bales, Barkus, Black, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 41

Nays: Balyeat, Brown, Essmann, Gebhardt, McGee, O'Neil, Shockley.

Total 7

Absent or not voting: None.

Total 0

Excused: Cobb, Lewis.

Total 2

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Majority Leader Williams moved that the Senate adjourn until 11:00 a.m., Friday, April 27, 2007. Motion carried.

Senate adjourned at 10:58 a.m.

SENATE JOURNAL  
EIGHTY-NINTH LEGISLATIVE DAY - APRIL 26, 2007

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

**SENATE JOURNAL  
60TH LEGISLATURE  
NINETIETH LEGISLATIVE DAY**

Helena, Montana  
April 27, 2007

Senate Chambers  
State Capitol

Senate convened at 11:20 a.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

Yeas: Bales, Barkus, Black, Brueggeman, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 40

Nays: Balyeat, Brown, Essmann, Gebhardt, Jackson, McGee, O'Neil, Shockley.

Total 8

Absent or not voting: None.

Total 0

Excused: Cobb, Perry.

Total 2

**MESSAGES FROM THE GOVERNOR**

April 27, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 175** sponsored by Senator Squires on April 27, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 27, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol



SENATE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 27, 2007

Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 204** sponsored by Senator Ryan on April 27, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 27, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 219** sponsored by Senator Balyeat on April 27, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 27, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 295** sponsored by Senator Tash on April 27, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 27, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol

SENATE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 27, 2007

Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 308** sponsored by Senator J. Peterson on April 27, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 27, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 317** sponsored by Senator Lewis on April 27, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 27, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 318** sponsored by Senator J. Peterson on April 27, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 27, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol

SENATE JOURNAL  
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Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 419** sponsored by Senator Lind on April 27, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 27, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 517** sponsored by Senator Black on April 27, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 28, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 50** sponsored by Senator Gallus on April 28, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 28, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol

SENATE JOURNAL  
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Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 145** sponsored by Senator Shockley on April 28, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 28, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 181** sponsored by Senator Cobb on April 28, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 28, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 214** sponsored by Senator Lewis on April 28, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 28, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol

SENATE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 27, 2007

Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 251** sponsored by Senator Larson on April 28, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 28, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 266** sponsored by Senator Shockley on April 28, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 28, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 269** sponsored by Senator Larson on April 28, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 28, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol

SENATE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 27, 2007

Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 287** sponsored by Senator Weinberg on April 28, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 28, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 289** sponsored by Senator Gallus on April 28, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 28, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 296** sponsored by Senator Weinberg on April 28, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 28, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol

SENATE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 27, 2007

Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 302** sponsored by Senator Barkus on April 28, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 28, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 312** sponsored by Senator Lind on April 28, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 28, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 335** sponsored by Senator Tash on April 28, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 28, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol

SENATE JOURNAL  
NINETIETH LEGISLATIVE DAY - APRIL 27, 2007

Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 370** sponsored by Senator Tash on April 28, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 28, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 442** sponsored by Senator Kaufmann on April 28, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 28, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 443** sponsored by Senator Squires on April 28, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 28, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol



SENATE JOURNAL  
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Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 444** sponsored by Senator Wanzenried on April 28, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

April 28, 2007

The Honorable Mike Cooney  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Cooney:

Please be informed that I have signed **Senate Bill 553** sponsored by Senator Black on April 28, 2007.

Sincerely,

BRIAN SCHWEITZER  
Governor

**MOTIONS**

**SEN. DON RYAN, SD 10, GREAT FALLS** moved to change his vote on **HB 491** from "yes" to "no". Motion carried.

**SEN. DAN HARRINGTON, SD 38, BUTTE** moved the Senate Sine Die on this 90th Legislative day. **SEN. COREY STAPLETON, SD 27, BILLINGS** moved the substitute motion that the Senate Sine Die at 11:00 a.m. April 28, 2007. Motion **failed** as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.  
Total 23

Nays: Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 27

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

SENATE JOURNAL  
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**SEN. DAN HARRINGTON, SD 38, BUTTE** moved the Senate Sine Die on this 90th Legislative day. Motion carried as follows:

Yeas: Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Pease, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 26

Nays: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, Lewis, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 24

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Elliott in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 116 - Conference Committee Report No. 1** - Senator Wanzenried moved the Conference Committee report to **HB 116** be adopted. Motion carried unanimously.

**HB 160 - Conference Committee Report No. 1** - Senator Laible moved the Conference Committee report to **HB 160** be adopted. Motion carried unanimously.

**HB 592 - Free Conference Committee Report No. 1** - Senator J. Tropila moved the Free Conference Committee report to **HB 592** be adopted. Motion carried unanimously.

**HB 768 - Governor's Amendments** - Senator Shockley moved Governor's amendments to **HB 768** be concurred in. Motion carried unanimously.

**SB 316 - Free Conference Committee Report No. 1** - Senator Elliott moved the Free Conference Committee report to **SB 316** be adopted. Motion carried unanimously.

Senator Williams moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Elliott moved the Committee of the Whole report be adopted. Report adopted unanimously.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 491** concurred in as follows:

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Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, O'Neil, Pease, Perry, Peterson, Schmidt, Shockley, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 46

Nays: Hansen, Murphy, Ryan, Smith.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HJR 46** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 47

Nays: Curtiss, Esp, McGee.

Total 3

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 729** Governor's amendments adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 48

Nays: Jackson, McGee.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

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**HB 353** Governor's amendments adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 49

Nays: Gallus.

Total 1

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 161** house amendments be concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 69** house amendments concurred in as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Murphy, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 46

Nays: Balyeat, McGee, O'Neil, Shockley.

Total 4

Absent or not voting: None.

Total 0

Excused: None.

SENATE JOURNAL  
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Total 0

**HJR 31** concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Harrington, Jackson, Juneau, Kitzenberg, Laible, Larson, Lewis, McGee, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Shockley, Smith, Stapleton, Steinbeisser, Story, Tash, J.Tropila.

Total 35

Nays: Gillan, Hansen, Hawks, Jent, Kaufmann, Laslovich, Lind, Moss, Schmidt, Squires, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 15

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 393** house amendments concurred in as follows:

Yeas: Bales, Balyeat, Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Esp, Essmann, Gallus, Gillan, Harrington, Hawks, Jent, Juneau, Kitzenberg, Laible, Larson, Lewis, Moss, O'Neil, Pease, Peterson, Ryan, Schmidt, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 36

Nays: Barkus, Black, Curtiss, Gebhardt, Hansen, Jackson, Kaufmann, Laslovich, Lind, McGee, Murphy, Perry, Shockley, Smith.

Total 14

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**HB 116** conference committee report adopted as follows:

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 48

Nays: Balyeat, Shockley.

Total 2

Absent or not voting: None.

Total 0

SENATE JOURNAL  
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Excused: None.  
Total 0

**HB 160** conference committee report adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 592** free conference committee report adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 48

Nays: Esp, Stapleton.  
Total 2

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**HB 768** Governor's amendments adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

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Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**SB 316** free conference committee report adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Pease, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.  
Total 50

Nays: None.  
Total 0

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

President Pro Tempore Harrington moved the Senate adjourn SINE DIE. Motion carried.

Senate adjourned at 12:15 p.m.

JOHN MUDD  
Secretary of the Senate

MIKE COONEY  
President of the Senate

**SENATE JOURNAL  
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**ADDENDUM**

Helena, Montana  
2007

Senate Chambers  
State Capitol

**MESSAGES FROM THE GOVERNOR**

April 28, 2007

The Honorable Brad Johnson  
Secretary of State  
State Capitol  
Helena, MT 59620

Dear Secretary Johnson:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill (SB) 552, **“AN ACT AUTHORIZING A \$100 INCOME TAX CREDIT FOR QUALIFIED VOLUNTEER FIREFIGHTERS AND EMERGENCY MEDICAL TECHNICIANS; PROVIDING QUALIFICATIONS TO CLAIM THE CREDIT; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE.”**

SB 552 grants a tax credit to volunteer firefighters and emergency medical technicians. Like the legislators who voted for this bill, words do not express the heartfelt appreciation I have for the men and women who perform these volunteer emergency services for their friends, neighbors, and communities. However, the fiscal impact of the bill has been estimated at close to \$1 million per biennium. As Chief Executive for the State of Montana, I am ultimately responsible to the people of Montana for the sound management of the state’s fiscal resources – resources derived from the taxpayer’s pockets.

Ninety days ago, pursuant to the constitutional and statutory requirements, I submitted a balanced budget to the Legislature for its consideration. Yesterday, the 60<sup>th</sup> Legislature adjourned, *sine die*, without fulfilling its constitutional mandate to enact a balanced budget. The Legislature failed to enact either a comprehensive spending package or a comprehensive revenue package. I will receive no general appropriation bill from the Legislature appropriating money for the ordinary expenses of Montana’s executive, legislative, and judicial branches of government or for Montana’s public schools. I will receive no comprehensive tax legislation.

In my faithful execution of the laws, it would be fiscally irresponsible for me to sign SB 552 in the absence of receiving from the Legislature a comprehensive, balanced state budget.

Because this bill passed with the constitutional majorities, you will be polled by the Secretary of State as to whether to override my veto of SB 552. I urge you to do as I have done here - exercise fiscal responsibility and consider your own constitutional mandates - and sustain my veto.

Sincerely,

BRIAN SCHWEITZER  
GOVERNOR



SENATE JOURNAL  
ADDENDUM  
60TH LEGISLATURE

April 28, 2007

The Honorable Brad Johnson  
Secretary of State  
State Capitol  
Helena, MT 59620

Dear Secretary Johnson:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill (SB) 552, **“AN ACT AUTHORIZING A \$100 INCOME TAX CREDIT FOR QUALIFIED VOLUNTEER FIREFIGHTERS AND EMERGENCY MEDICAL TECHNICIANS; PROVIDING QUALIFICATIONS TO CLAIM THE CREDIT; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE.”**

SB 552 grants a tax credit to volunteer firefighters and emergency medical technicians. Like the legislators who voted for this bill, words do not express the heartfelt appreciation I have for the men and women who perform these volunteer emergency services for their friends, neighbors, and communities. However, the fiscal impact of the bill has been estimated at close to \$1 million per biennium. As Chief Executive for the State of Montana, I am ultimately responsible to the people of Montana for the sound management of the state’s fiscal resources – resources derived from the taxpayer’s pockets.

Ninety days ago, pursuant to the constitutional and statutory requirements, I submitted a balanced budget to the Legislature for its consideration. Yesterday, the 60<sup>th</sup> Legislature adjourned, *sine die*, without fulfilling its constitutional mandate to enact a balanced budget. The Legislature failed to enact either a comprehensive spending package or a comprehensive revenue package. I will receive no general appropriation bill from the Legislature appropriating money for the ordinary expenses of Montana’s executive, legislative, and judicial branches of government or for Montana’s public schools. I will receive no comprehensive tax legislation.

In my faithful execution of the laws, it would be fiscally irresponsible for me to sign SB 552 in the absence of receiving from the Legislature a comprehensive, balanced state budget.

Because this bill passed with the constitutional majorities, you will be polled by the Secretary of State as to whether to override my veto of SB 552. I urge you to do as I have done here - exercise fiscal responsibility and consider your own constitutional mandates - and sustain my veto.

Sincerely,

BRIAN SCHWEITZER  
GOVERNOR

SENATE JOURNAL  
ADDENDUM  
60TH LEGISLATURE

May 3, 2007

The Honorable Brad Johnson  
Secretary of State  
State Capitol  
Helena, MT 59620

Dear Secretary Johnson:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill (SB) 537, **“AN ACT REVISING LAWS RELATING TO PREPAID LEGAL SERVICES; DEFINING ‘LEGAL SERVICE EXPENSE PLAN’; PROVIDING THAT LEGAL SERVICE EXPENSE PLANS ARE NOT SUBJECT TO THE INSURANCE CODE; AMENDING SECTIONS 33-1-102, 33-1-206, AND 33-17-504, MCA; REPEALING SECTION 33-1-215, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.”**

SB 537 amends Montana laws related to prepaid legal service plans, which are contracts for the provision of legal services between plan administrators and individuals or groups. In 2001, the Legislature first passed legislation to regulate prepaid legal service plans as a type of casualty insurance. The legislation arose because of questions and complaints by both consumers and the marketers involved in the multi-level marketing operations under which the plans often are sold. The 2001 legislation helped provide the consumer protection necessary to assure that the plans were of value and that they were marketed by those licensed to market insurance products.

Now, six years later, SB 537 would remove the classification of these services as a type of casualty insurance. Instead, they would be regulated generally under Montana’s consumer protection laws, but those laws do not provide assurance at the front end that the person marketing the product has the proper professional training to sell the product and that the product being sold has the value that it is represented to have.

I do not believe that SB 537 serves the best interests of Montana’s consumers. I am concerned that if prepaid legal service plans are no longer regulated under Montana’s insurance code, the same complaints and questions about them that arose prior to the 2001 legislation will again arise.

Sincerely,

BRIAN SCHWEITZER  
GOVERNOR

SENATE JOURNAL  
ADDENDUM  
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May 8, 2007

The Honorable Brad Johnson  
Secretary of State  
State Capitol  
Helena, MT 59620

Dear Secretary Johnson:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill (SB) 407, a bill entitled "AN ACT REQUIRING THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO ISSUE A GENERAL PERMIT GOVERNING THE AUTHORIZATION FOR LIMITED DISCHARGES OF WATER PRODUCED FROM COAL BED METHANE EXTRACTION INTO EXISTING IMPOUNDMENTS FOR WATER FOR LIVESTOCK AND WILDLIFE; PROVIDING A WATER QUALITY STANDARD; REQUIRING REPORTS TO THE LEGISLATURE; AND PROVIDING A CONTINGENT EFFECTIVE DATE."

Senate Bill 407 would allow the discharge Coal Bed Methane (CBM) water into unlined ponds, an activity which, especially when coupled with precipitation events, destroys soil capability and threatens any downstream irrigated agriculture and thus threatens an industry that has been a vital to our state's economy for over a hundred years. In addition, the EPA has indicated that if SB 407 becomes law the state could be in violation of federal clean water standards.

Ponds that are used for discharge generally have leakage, and a channel below and between ponds is likely to have flows as a result of the leakage. The salty CBM water will ultimately find its way into designated state waters. For example, the high spring runoff into the Tongue River has an EC twice as high as usual for this time of year, and it is believed that a portion of the increased salt load may be coming from overflow of Coal Bed Methane discharge ponds into tributaries of the Tongue, or flushing of salts that CBM water has added to soils.

Furthermore, if SB 407 were to become law, Montana would likely be in violation of minimum federal water quality standards. EPA has warned us of this, stating that SB 407 "potentially raises concerns about whether important parts of the State's environmental programs meet federal requirements." Specifically, the bill removes beneficial use protections without going through the normally proscribed analysis required by the Environmental Protection Agency, and it exempts Coal CBM discharges into ephemeral channels from non-degradation review.

For these reasons, it is imprudent to allow SB 407 to become law.

Sincerely,

Brian Schweitzer  
GOVERNOR

SENATE JOURNAL  
ADDENDUM  
60TH LEGISLATURE

May 14, 2007

The Honorable Brad Johnson  
Secretary of State  
State Capitol  
Helena, MT 59620

Dear Secretary Johnson:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto House Bill (HB) 577, **“AN ACT STANDARDIZING MEDICAL ASSISTANCE UNDER THE MONTANA MEDICAID PROGRAM TO CHILDREN UNDER 19 YEARS OF AGE; AND AMENDING SECTION 53-6-131, MCA.”**

HB 577 expands the federal poverty level threshold of children for Medicaid from 100% to 133% for children 6 years of age and older and under 19. Currently, only children under age 6 are covered by Medicaid up to 133% of the federal poverty level. The primary reason for my veto of HB 577 is that the Medicaid program is an entitlement program, but state funding for the expansion required under the bill is not included in HB 2 - now being considered by the special session of the Legislature. Despite the fact it is not funded, if HB 577 were to become law, it is estimated that the ongoing cost to the state general fund would be close to \$1.5 million in the coming biennium and would exceed \$2 million/biennium by fiscal years 2010 and 2011 and thereafter.

Despite my decision to veto this bill, there is good news for children in Montana, as HB 577 was not the only bill passed by the 60<sup>th</sup> Legislature addressing children's health insurance. Notably, SB 22 expands CHIP (the Children's Health Insurance Program) eligibility to children whose combined family income is 175% of the federal poverty level, from the current level of 150%. Contemporaneous to issuing this veto of HB 577, I have signed into law SB 22. It is anticipated that under SB 22, 2,100 new children will obtain coverage under the CHIP program. Moreover, funding for the expansion of the CHIP program contained in SB 22 is included in HB 2 – the state budget bill – which is now under consideration by the Legislature in this special session. Additionally, the 60<sup>th</sup> Legislature passed and I signed into law HB 198, expanding dental care benefits under CHIP to cover significant dental needs beyond those covered in the basic plan.

As well, the Legislature passed and I signed into law HB 406, which will provide state assistance for the creation or expansion of community health centers through state funded grants to the centers. Community health centers serve not only Montana's children but their entire families. Finally, HB 2, in the version currently being considered by this special session of the Legislature, includes nearly \$20 million of increased funding for caseload growth in Medicaid-supported children's mental health services.

In conclusion, while my decision to veto HB 577 was not an easy one, absent funding for the expanded entitlement program under the bill, I believe I had no other choice. On the brighter side, I believe there were many other positive actions taken by the Legislature, which received my support, that will be improve the health and lives of Montana's children, and for this I believe we should all be proud.

Sincerely,

BRIAN SCHWEITZER  
GOVERNOR

SENATE JOURNAL  
ADDENDUM  
60TH LEGISLATURE

May 15, 2007

The Honorable Brad Johnson  
Secretary of State  
State Capitol  
Helena, MT 59620

Dear Secretary Johnson:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill (SB) 65, a bill entitled "AN ACT PROVIDING THAT APPROPRIATIONS FROM THE HEALTH AND MEDICAID INITIATIVES ACCOUNT MAY NOT BE INCREASED BY PROGRAM TRANSFERS FROM OTHER STATE SPECIAL REVENUE ACCOUNTS; AMENDING SECTION 53-6-1201, MCA; AND PROVIDING AN EFFECTIVE DATE."

While I agree with the concept behind SB 65 of preserving and utilizing State Special Revenue Accounts for specific purposes, the bill may unreasonably prevent the Executive Branch from addressing a potential financial problem in the future. More specifically, SB 65 restricts the ability of DPHHS to transfer state special revenue authority between appropriations within a biennium to maintain programs. It may, within a biennium, result in the reduction of services or the creation of waiting lists. Appropriation transfers from unrestricted Health and Medicaid Initiative Account funded programs or general fund appropriation, if available, would be the only source of additional funding. This would be too restrictive when it comes to resolving an unforeseen financial issue in a DPPHS program that impacts services to citizens of the State of Montana.

For this reason, I hope you will sustain my veto.

Sincerely,

Brian Schweitzer  
GOVERNOR

May 17, 2007

The Honorable Brad Johnson  
Secretary of State  
State Capitol  
Helena, MT 59620

Dear Secretary Johnson:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill (SB) 8, "AN ACT REVISING THE LAWS GOVERNING THE SALE, EXCHANGE, AND TRANSFER OF STATE LAND; REQUIRING THE BOARD OF LAND COMMISSIONERS TO CONTRACT WITH A QUALIFIED LAND APPRAISER AND AN ATTORNEY TO PROVIDE INDEPENDENT INFORMATION AND ANALYSIS AS REQUIRED BY THE BOARD; PROVIDING FOR THE PAYMENT OF

SENATE JOURNAL  
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**CONTRACT EXPENSES FROM THE TRUST LAND ADMINISTRATION ACCOUNT; REQUIRING THE BOARD OF LAND COMMISSIONERS TO USE THE CONTRACTED SERVICES IN THE SALE, PURCHASE, EXCHANGE, AND TRANSFER OF STATE LAND; AMENDING SECTIONS 77-1-108, 77-1-121, AND 77-1-202, MCA; AND PROVIDING AN EFFECTIVE DATE.”**

SB 8 would require the Board of Land Commissioners to contract with a land appraiser and an attorney for all sales, purchases, exchanges, and transfers of state land. Additionally, the appraiser under contract would be required to contract with another “regional appraiser” and supervise the work of the “regional appraiser.” The bill imposes duties upon the “board lawyer,” although it is unclear whether the “board lawyer” is the contracted lawyer or current in-house legal counsel. The cost to the Trust Administration Account under SB 8 would be \$270,000 in the coming biennium and a little more than that in the following biennium.

I have issued this veto of SB 8 because I believe its requirements are unnecessary and the intent of the bill can be accomplished in a more cost-effective manner. The Land Board is already able to contract with independent appraisers for all sales, purchases, exchanges, and transfers of state land, and in fact does contract with outside appraisers. More importantly, the Department of Natural Resources and Conservation has indicated to me that it intends to recommend to the Land Board the adoption of rules to contract with outside land appraisers. If the Land Board concurs, a primary objective of SB 8 would be accomplished through the rule-making process.

A difference, however, is that SB 8 would require the Land Board to not only contract with an outside appraiser, but further would require the contracted appraiser to contract with and supervise another appraiser. Given that the Department has an in-house appraiser, SB 8 would result in the involvement of three appraisers (one in-house and two contracted) for every state land sale, purchase, or exchange. I believe this requirement for an additional level of oversight in the work of the contracted appraiser, and the cost to the Trust Administration Account, is unnecessary and not justified by any past experience or any future circumstance I can anticipate.

Finally, with regard to the requirement that the Land Board contract with outside legal counsel for all land sales, purchases, exchanges, and transfers, the Land Board already has in-house legal counsel with specialized knowledge of state land sales. In instances in which the Land Board has a need to contract for outside legal counsel, there is nothing under current law that prevents it from doing so. To require the Land Board to contract for outside legal counsel in all instances would impose an expense on the Trust Administration Account which I believe is unnecessary.

Because this bill passed by the required majorities, you will be polled on whether to sustain or override my veto. I ask you to sustain my veto and save the Trust Administration Account expenditures that I do not believe are necessary. Please be aware that no current member of the Land Board testified in support of SB 8.

Sincerely,

BRIAN SCHWEITZER  
GOVERNOR

SENATE JOURNAL  
ADDENDUM  
60TH LEGISLATURE

May 17, 2007

The Honorable Brad Johnson  
Secretary of State  
State Capitol  
Helena, MT 59620

Dear Secretary Johnson:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill (SB) 393, **“AN ACT REQUIRING A COURT TO ORDER MEDIATION IN A MARRIAGE DISSOLUTION IN WHICH PARENTING OF MINOR CHILDREN IS DISPUTED AND THE PARTIES CANNOT AGREE ON THE TERMS OF PARENTING; AND AMENDING SECTION 40-4-301, MCA.”**

Currently, Montana law authorizes district courts to allow mediation of family law cases where the court considers mediation to be advisable or where the parties request mediation be ordered. Mont. Code Ann. § 40-4-301. SB 393 amends this statute by requiring courts to order mediation in cases in which the parents are unable to agree upon a parenting plan. The bill contains some limited exceptions to the mandatory mediation requirements, such as in cases involving domestic abuse.

I am a strong supporter of mediation as a method to resolve disputes, including parenting disputes. Agreements voluntarily reached by parties through the give and take of negotiations generally are more satisfactory to the parties than decisions imposed by judges in which there are often winners and losers.

My concern with SB 393, however, is that in requiring mediation, the one-size-fits-all approach may not always be appropriate. For example, mandatory mediation may not be appropriate if one parent suffers from mental illness or drug or alcohol addiction. It may not be feasible if one parent is out of state, or even, for example, if one parent is serving overseas in the military.

Most importantly, however, is that SB 393 no longer contains the financial feasibility exception amended into the bill by the Senate, but stripped off by the House. Without the financial feasibility exception, questions about the constitutionality of the bill under both the federal and state constitutions have been brought to my attention. Mediation, while often effective, can cost parties in family law cases hundreds if not thousands of dollars. In *Boddie v. Connecticut*, 401 U.S. 371 (1971), the United States Supreme Court held that a state denies due process of law to indigent persons by refusing to permit them to bring divorce actions except on payment of court fees and costs that they are unable to pay. Montana law currently contains fee-waiving provisions for the indigent who both file and defend lawsuits - including petitions for dissolution of marriage - in Montana's district courts. Mont. Code Ann. § 25-10-404. Without a comparable financial feasibility exception for the mandatory mediation provisions of SB 393, the bill poses constitutional concerns similar to those that were addressed by the United States Supreme Court in *Boddie*. Additionally, the bill appears to run counter to Montana's express constitutional guarantee of access to court.

While I commend Senator Gillan's efforts to encourage mediation in family law disputes, for the above-stated reasons, I have issued this veto of SB 393.

Sincerely,

BRIAN SCHWEITZER  
GOVERNOR

SENATE JOURNAL  
ADDENDUM  
60TH LEGISLATURE

May 17, 2007

The Honorable Brad Johnson  
Secretary of State  
State Capitol  
Helena, MT 59620

Dear Secretary Johnson:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill (SB) 514, **“AN ACT REVISING CERTAIN PROVISIONS RELATED TO THE ADMINISTRATION OF INDIVIDUAL INCOME TAXES; REQUIRING THE DEPARTMENT OF REVENUE TO PROVIDE ONE NOTICE OF A TAX DEFICIENCY TO MARRIED TAXPAYERS FILING SEPARATELY ON THE SAME FORM; REQUIRING THE DEPARTMENT OF REVENUE TO REPORT TO THE INTERNAL REVENUE SERVICE THE NET AMOUNT OF STATE TAXES REFUNDED TO MARRIED TAXPAYERS FILING SEPARATELY ON THE SAME FORM; REVISING THE UNIFORM PENALTY ASSESSMENTS ON DELINQUENT INDIVIDUAL INCOME TAXES AND CERTAIN OTHER TAXES; PROVIDING THAT INTEREST ASSESSMENTS ON DELINQUENT INCOME TAXES ARE BASED ONLY ON THE FEDERAL UNDERPAYMENT RATE ASSESSED AGAINST INDIVIDUAL INCOME TAXPAYERS; CLARIFYING THE TAXATION OF FEDERAL INCOME TAX REFUNDS; CLARIFYING THAT UNDERPAYMENT INTEREST ON ESTIMATED INDIVIDUAL INCOME TAXES IS NOT REQUIRED UNDER CERTAIN CONDITIONS; AMENDING SECTIONS 15-1-216, 15-30-111, 15-30-241, 15-39-105, AND 15-39-107, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE.”**

SB 514 amends Montana statutes governing the administration of individual income taxes, primarily providing lower penalties to taxpayers who file late tax returns. Those advocating for the bill cast it as a measure that would bring Montana’s income tax laws in conformity with federal income tax laws.

My primary reason for vetoing SB 514 is its cost. The fiscal note for the bill estimates that SB 514 would cost the state general fund in excess of \$5 million in fiscal years 2008 and 2009 and in excess of \$8 million in the following biennium. This multi-million dollar impact on the state general fund is not part of the state budget passed by the Legislature meeting in special session. Because the bill would result in significant ongoing revenue reduction to the State without providing a replacement revenue source, it would be fiscally irresponsible for me to do anything but veto the bill.

Additionally, I comment on the substance of the bill. Although it was cast as a measure to conform Montana’s late filing income tax penalties to federal law, SB 514 “cherry picks” the provisions of federal law it mirrors to the disadvantage of the state treasury and taxpayers who pay their state income taxes on time. The late filing of income taxes costs the state, and therefore other taxpayers, through the higher administrative actions necessary to ensure proper collections. While SB 514 would require the state to impose a lower monthly penalty rate on late tax filers, equivalent to the federal rate, it fails to recognize and adopt other penalties imposed by the federal government against late income tax filers, which prevent a net loss to the federal treasury. Therefore, SB 514 does not mirror late filing provisions of federal tax law in their entirety, a feature that would be subsidized by those who pay their state income taxes on time.

With the \$8 million ongoing impact on the state general fund, I ask you to sustain my veto of SB 514.

Sincerely,

BRIAN SCHWEITZER  
GOVERNOR